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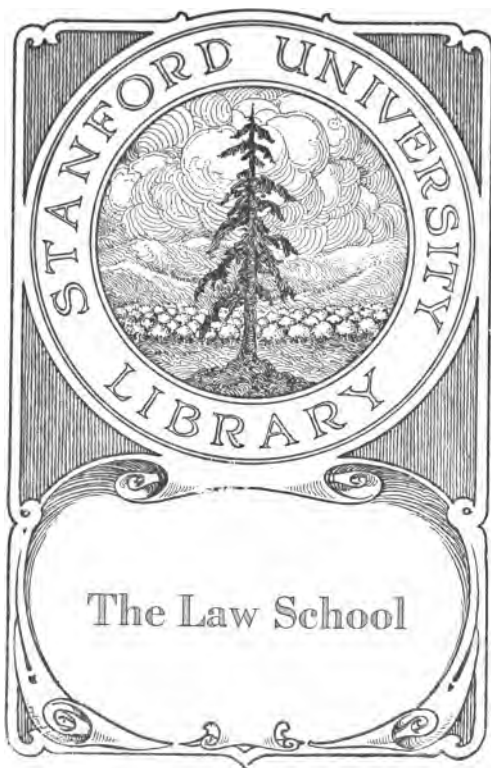
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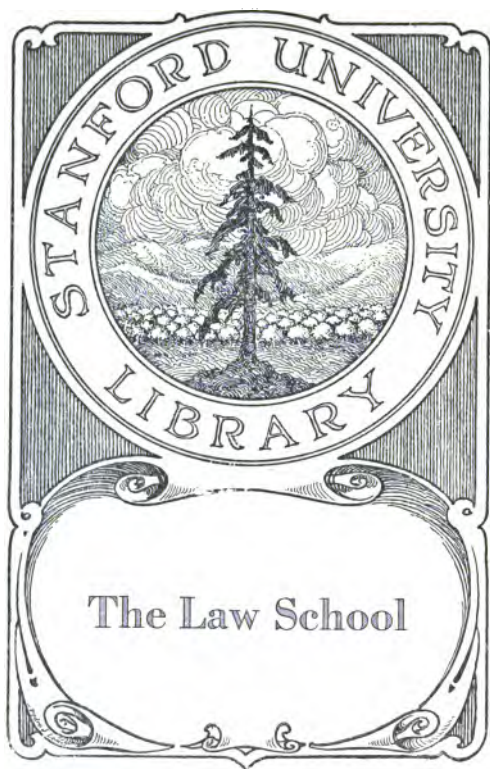
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# GENERAL LAWS

OF THE

# STATE OF TEXAS,

PASSED AT THE

Regular Session of the Seventeenth Legislature,

CONVENED AT THE

CITY OF AUSTIN,

JANUARY 11, 1881, AND ADJOURNED APRIL 1, 1881.

---

BY AUTHORITY OF THE STATE OF TEXAS.

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VIA BELLE GROTTE

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**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the sum of sixty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of mileage and per diem of the members, and the payment of the per diem of the officers and employes, of the Seventeenth Legislature of the State of Texas.

**SEC. 2.** The certificate of the secretary of the Senate, approved by the president thereof, or the certificate of the chief clerk of the House, approved by the speaker thereof, shall be sufficient evidence to the comptroller, upon which he shall audit the claims and issue warrants upon the treasurer for the respective amounts.

**SEC. 3.** And whereas, the Seventeenth Legislature, for the payment of the officers and members of which this law is enacted, is now in session, and public policy requires their immediate payment, therefore, an emergency existing that this law take effect and be in force from and after its passage; and it is so enacted.

Approved January 17, A. D. 1881.

Takes effect from and after its passage.

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**CHAPTER II.**—An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature.

**WHEREAS,** It is of sufficient public importance that the contingent expenses of this Legislature be promptly paid, in order that the material furnished and labor performed may be procured at cash prices:

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the contingent expenses of the Seventeenth Legislature. That, except in the case of accounts for printing done and stationery furnished, the certificate of the chairman of the committee on contingent expenses that an account has been examined and approved by said committee, and countersigned by the president of the senate or the speaker of the House, as the case may be

shall be sufficient authority to authorize and require the comptroller of public accounts to draw his warrant on the state treasury for the payment of any claim against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

SEC. 2. That the want of an appropriation to pay the contingent expenses of the Seventeenth Legislature creates an imperative public necessity that the rule requiring this bill to be read on three several days in each house should be suspended, and it is so suspended; and this act shall take effect and be in force from and after its passage.

Approved January 24, A. D. 1881.

Takes effect from passage.

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CHAPTER III.—An act to amend article 435 of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 435 of the Revised Code of Criminal Procedure of the State of Texas, adopted by the Sixteenth Legislature, be so amended as hereafter to read as follows:

"Article 435. Upon the filing of an indictment in the district court of each county in this State, which charges an offense over which such court has no jurisdiction, the judge of such court shall immediately, or as soon as convenient, make an order transferring the same to such inferior court as may have jurisdiction to try the offense therein charged, stating in such order the cause transferred, and to what court transferred.

Approved February 5, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER IV.—An act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State, may redeem the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That all lands which have been sold for taxes and bought in by the State shall be restored to the owners of the same, if, within twelve months from the passage of this act, said owners or their agents shall pay to the State the original taxes due thereon and taxes due for each year since said sale, with eight per cent. interest thereon per annum from the date of the accrual of each year's taxes and all costs which have accrued thereon, under such rules and regulations as shall be prescribed by the comptroller of the State.

SEC. 2. Whereas, there are persons whose lands have been sold and are anxious to redeem the same, an emergency exists, and an imperative public necessity demands that the constitutional rule requiring a bill to be read on three several days, be suspended, and that this bill take effect and be in force from and after its passage.

Approved February 5, A. D. 1881.

Takes effect from passage.

**CHAPTER V.**—An act to repeal article four hundred and fifty-one (451), chapter six (6), of title seventeen (17), of “an act to adopt and establish the Revised Civil Statutes of the State of Texas.”

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article four hundred and fifty-one (451), chapter six (6), of title seventeen (17), of “an act to adopt and establish the Revised Civil Statutes of the State of Texas,” be and is hereby repealed.

**SEC. 2.** The conflict of the above article with other provisions of the Revised Civil Statutes regulating the mode of procedure in the seizure and sale of real estate for taxes in cities and towns creates an emergency which requires this bill to take effect from and after its passage, and it is so enacted.

Approved February 5, A. D. 1881.

Takes effect from passage.

**CHAPTER VI.**—An act to amend section one of “an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this State, and conform the jurisdiction of the district courts of said counties to such change,” approved March 27, A. D. 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the county courts of the counties of Polk, Jasper, Newton, Blanco, Brown, Camp, Chambers, Coleman, Concho, Coryell, Crockett, El Paso, Franklin, Hamilton, Hardin, Jefferson, Liberty, Llano, Marion, Matagorda, McCulloch, Morris, Nacogdoches, Pecos, Presidio, Sabine, San Augustine, San Jacinto, San Saba, Shelby, Titus, Tom Green, Trinity, Tyler, Orange and Angelina shall have and exercise the general jurisdiction of probate courts; shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis* and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis* and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors, as prescribed by law; and to issue all writs necessary to the enforcement of their jurisdiction, and to punish contempts under such provisions as are, or may be, provided by general law governing county courts throughout the State, and to have and exercise general jurisdiction over questions of eminent domain, as prescribed by law; but said county courts shall have no other jurisdiction, civil or criminal; *provided*, that this act shall not confer greater jurisdiction upon the county court of Shelby county than is already exercised by said court under the provisions of the act approved March 27, 1879, of which this act is amendatory.

**SEC. 2.** Whereas, it is impossible for the district courts in the counties herein named, to dispose of questions of eminent domain therein, without neglecting other business of said courts; and whereas, uncertainty exists as to jurisdiction in such cases, thereby an emergency exists and an imperative public necessity demands, that the constitutional rule, requiring a bill to be read on three several days, be suspended, and this bill take effect and be in force from and after its passage.

Approved February 9, A. D. 1881.

Takes effect from passage.

CHAPTER VII.—An act to amend “an act to create a commission of arbitration and award and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,” approved July 9, A. D. 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That section 1 of an “an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,” approved July 9, 1879, shall hereafter read as follows:

“SECTION 1. A commission of arbitration and award, to consist of three persons learned in the law, to be appointed by the governor and by and with the advice and consent of the Senate, if in session, or without such advice and consent if not in session, who shall hold their offices for two years from October 1, A. D. 1881, and receive for their services the same salaries as judges of the supreme court of the State of Texas, be and the same is hereby created, to be styled the ‘Commission of Appeals of the State of Texas.’ In case of a vacancy on said commission by the death or resignation of any member thereof during the vacation of the Legislature, it shall be the duty of the governor to fill the same by appointment, and the person so appointed shall continue in office until the next session of the Legislature after the appointment.”

SEC. 2. Be it further enacted by the Legislature of the State of Texas, That in addition to the powers and duties now conferred by said act, the supreme court and court of appeals of this state are hereby authorized and empowered to refer to the commissioners of appeals of the State of Texas, any civil case or cases, now or hereafter pending before said courts, for examination and report thereon; and it shall be the duty of said supreme court and court of appeals, in order to relieve the dockets of said courts of the great number of cases now encumbering them, from time to time to refer to said commissioners of appeals so many of said cases now or hereafter pending in said courts, as may be reasonably considered and acted upon by the same, at the several sessions thereof; having respect in such reference, to the length of time such cases have been pending, as well as to promote an early disposition of the cases on the docket.

SEC. 3. When said commissioners of appeals have considered and determined upon the proper disposition of any case referred to the same, according to section 2 of this act, their opinion shall be submitted, together with a brief synopsis of the case, to the court from which the case was referred, and the record shall be returned therewith. The reports so made may be used by the respective courts to facilitate them in reaching a conclusion upon the law and facts of the case.

SEC. 4. The opinions of said commissioners of appeals in cases referred to it by the supreme court, when adopted by said court, shall be published as the opinions thereof as in other cases.

SEC. 5. That in cases referred to the “commissioners of appeals” under this act, the papers thereof shall not be refilled in said commission, and only such additional costs as may be essential to carry into effect the provisions hereof, shall be incurred by the parties to such cases by reason of the reference thereof.

SEC. 6. That section 1 of this act which provides for a continuance of the commission of appeals for two years from October 1, A. D. 1881, shall not take effect until October 1, 1881, and it shall become inoperative at said time, in case an amendment of the judiciary article of the consti-



tution of the State shall before then be submitted by the Legislature to the electors of the State, and adopted by the people providing for an increase of the judges of the supreme court.

SEC. 7. The accumulation of business in the supreme court and court of appeals is so great as to prevent that speedy determination to litigation which is essential to justice, an imperative public emergency exists for the immediate passage of this act, and that the rule requiring bills to be read on three several days be suspended, and as a public necessity requires that this act should take effect and be in force from and after its passage, therefore it is so enacted.

Approved February 9, A. D. 1881.

Takes effect from passage.

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CHAPTER VIII.—An act to amend article 1289, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 1289, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

“Article 1289. The court shall, at the first term after the passage of this act, by an order entered on the minutes, designate a day of the term for taking up for trial the causes on the jury civil docket at all subsequent terms, until changed by a like order; but, in case of change, it shall not take effect until the succeeding term of said court. In all cases in which juries have been demanded by either party, all questions of law, demurrers, exceptions to pleadings, shall, as far as practicable, be heard and determined by the court before the day designated for the trial by said jury causes, and all jurors shall be summoned to appear on the day of the term so designated.”

Approved February 10, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER IX.—An act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay for the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the county commissioners' court of any county which has no court house at the county seat is hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, in such amount as may be necessary to erect a suitable building for a court house; said bonds running not exceeding fifteen years, and redeemable at the pleasure of the county, and bearing interest at a rate not exceeding eight per cent per annum.

SEC. 2. The commissioners' court of the county shall levy an annual *ad valorem* tax on the property in said county sufficient to pay the interest, and create a sinking fund for the redemption of said bonds, not to exceed one-fourth of one per cent for any one year.

SEC. 3. The county shall not issue a larger number of bonds than a tax of one-fourth of one per cent annually will liquidate in ten years, and such bonds shall be sold only at their face or par value.

SEC. 4. The interest on said bonds shall be paid annually on the tenth day of April, and they shall be registered, and an account kept by the county treasurer of the amount of principal and interest paid on each.

SEC. 5. Said bonds shall be signed by the county judge, and countersigned by the county clerk, and registered by the county treasurer before they are delivered.

SEC. 6. The security and the protection and safe-keeping of the public records and archives of Robertson county makes an imperative public necessity that the rule requiring the bill to be read on three several days be suspended, and it is so enacted, and this act shall take effect from and after the day of its passage.

Approved February 11, A. D. 1881.

Takes effect from passage.

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CHAPTER X.—An act to amend article 3812, title 79, of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature, February 21, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 3812, title 79, of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature, February 21, 1879, be amended so as hereafter to read as follows:

“Article 3812. When a survey has become forfeited and void from any cause, so soon as such forfeiture is discovered the commissioner shall notify the party interested in such survey or location, in writing by mail, directed to such party at his postoffice address, if known, and if not known, directed to him at the county seat of the county in which the land is situated, of such forfeiture; and no new file or location shall be made on the land covered by such forfeited survey or location, except by the owner of such forfeited survey or location, for a period of ninety days after the mailing of such notice, and the commissioner shall keep a record of the date said notice was mailed and the name of the party to whom the notice was mailed and the name of the postoffice to which said notice was addressed; and the record of such entries shall be *prima facie* evidence of the facts therein stated, and the absence of such entries shall be *prima facie* evidence that the notice required above had not been given.”

Approved February 11, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XI.—An act to make an appropriation for the pay of assistant clerks in the comptroller's office for the month of February, 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the sum of two thousand dollars or so much thereof as may be necessary, be and it is hereby appropriated for the payment of salaries of assistant clerks in the comptroller's office for the month of February, 1881, out of any money not otherwise appropriated.

SEC. 2. Whereas, the appropriation for the pay of assistant clerks in the comptroller's office is exhausted, and unless immediate provision be made for their pay the public service will seriously suffer, the constitutional rule requiring bills to be read on three several days is hereby suspended, and this act shall take effect from and after its passage.

Approved February 11, A. D. 1881.

Takes effect from passage.

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CHAPTER XII.—An act defining who are officers of this State, and prescribing their rights, powers, duties and privileges.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the comptroller of public accounts, the state treasurer, county commissioners' courts, county treasurers, and any and all other officers of this State, or of any municipal division thereof, whether herein enumerated or not, who are authorized or required by law to audit, or pay, or order to be paid, claims due from the State, or any county or municipal division thereof, to any person or persons, as a salary, or as fees, compensation, perquisites or emoluments for official services rendered by such person, as an officer thereof, shall, upon the demand of any citizen of this State, before auditing, paying, or ordering to be paid, any such claim as aforesaid, require such person presenting such claim, to produce the certificate of his election or appointment to such office, directed by the laws of this State to be issued to such officer; or, if his claim be founded upon the judgment or decree of a court of this State, authorized by the laws of this State to hear and determine the claims of persons to office, then a copy of the record of such judgment or decree certified under the hand and seal of the legal custodian of such record to be a true copy thereof.

SEC. 2. It shall not be lawful for any officer or court of this State, or of any municipal division thereof, to allow, audit, pay, or order to be paid, the claim of any person for salary, compensation, fees, perquisites, emoluments or services, as an officer of the State, or of any municipal division thereof, except to such person as has been duly elected such officer by the qualified voters of this State, and whose election has been ascertained and certified or declared in the manner required by the laws of this State, or who has been appointed such officer by the lawful appointing power under the constitution and laws of this State, or who has been adjudged entitled thereto by a State court of competent jurisdiction of this State, and has qualified as such officer in accordance with the requirements of the laws of this State.

SEC. 3. No person shall be held, by the laws of this State, entitled to pay for services as an officer thereof, or of any county or municipal division thereof, or to exercise any of the powers of jurisdiction of an officer thereof, unless he shall have been elected, appointed or adjudged entitled thereto, as specified in the second section of this act; and the official acts of any person claiming a right to exercise such power or jurisdiction, contrary to the provisions of this act, are and shall be held to be null and void.

SEC. 4. No court of this state shall have power, authority or jurisdiction to issue the writ of mandamus, or injunction, or any other mandatory or compulsory writ or process against any of the officers of the execu-

tive departments of the government of this State, to order or compel the performance of any act or duty, which, by the laws of this State, they or either of them are authorized to perform, whether such act or duty be judicial, ministerial or discretionary.

Approved February 15, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XIII.**—An act to reorganize the tenth judicial district, and to establish the thirty-fifth judicial district, and prescribe the time for holding terms of court therein, and providing for the appointment of a district attorney and a district judge for the thirty-fifth judicial district, and a district attorney for the tenth judicial district.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the counties of Cooke, Denton, Wise and Montague be and the same are hereby constituted the tenth judicial district.

**SEC. 2.** The counties of Wheeler, Oldham, Donley, Collingsworth, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Gray, Carson, Potter, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Dallam and Greer be and the same are hereby constituted the thirty-fifth judicial district.

**SEC. 3.** The district courts in the counties comprising the tenth judicial district shall be holden as follows: In the county of Cook on the first Mondays in February and August, and may continue in session six weeks; in the county of Denton on the sixth Mondays after the first Monday in February and August and may continue in session six weeks; in the county of Wise on the twelfth Monday after the first Mondays in February and August, and may continue in session five weeks; in the county of Montague on the seventeenth Monday after the first Mondays in February and August, and may continue in session until the business is finished.

**SEC. 4.** The district court shall be holden in the counties comprising the thirty-fifth judicial district as follows: The county of Wheeler on the first Mondays in April, August and December, and may continue in session four weeks; in the county of Oldham on the fourth Monday after the first Monday in April, August and December, and may continue in session three weeks.

**SEC. 5.** The counties of Ochiltree, Hemphill, Lipscomb, Roberts, Gray, Donley, Collingsworth, Childress, Hall, Briscoe, Armstrong, Carson, Hutchinson, Greer and Hansford are hereby attached to the county of Wheeler for judicial purposes until organized. The counties of Sherman, Moore, Potter, Randall, Swisher, Castro, Parmer, Deaf Smith, Hartley and Dallam are hereby attached to the county of Oldham for judicial purposes until organized.

**SEC. 6.** All process heretofore issued or served, returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable to the terms herein prescribed, and all such process is hereby legalized and validated, as if the same had been made returnable at the terms herein prescribed.

**SEC. 7.** That immediately after the passage of this act, the governor.

shall appoint a suitable person as judge of the thirty-fifth judicial district, and suitable persons as district attorneys in the tenth and thirty-fifth judicial districts, who shall hold their offices until the next general election held for State and county officers, and until their successors shall be elected and qualified.

SEC. 8. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 9. If any unorganized county mentioned in this bill shall organize prior to the next regular session of the Legislature, the district judge shall fix times to hold at least two terms of court each year in each of such counties by a written declaration, to be forwarded by the judge to the district clerk of the county, and spread by him upon the minutes of the district court. When the times are so fixed they shall not be changed, except by the Legislature.

SEC. 10. That owing to the recent organization of counties in the Panhandle, making it impossible for the judge of the tenth district to hold court therein on account of the great extent of the district, an imperative public necessity and emergency exist that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved February 15, A. D. 1881.

Takes effect from passage.

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CHAPTER XIV.—An act to establish a rule governing the defense of intoxication, and of temporary insanity produced by the voluntary recent use of ardent spirits, in criminal causes in this State.

SECTION 1 Be it enacted by the Legislature of the State of Texas, That neither intoxication nor temporary insanity of mind, produced by the voluntary recent use of ardent spirits, shall constitute any excuse in this State for the commission of crime, nor shall intoxication mitigate either the degree or the penalty of crime, but evidence of temporary insanity produced by such use of ardent spirits may be introduced by the defendant in any criminal prosecution in mitigation of the penalty attached to the offense for which he is being tried, and in cases of murder for the purpose of determining the degree of murder of which the defendant may be found guilty.

SEC. 2. It shall be the duty of the several district and county judges of this State, in any criminal prosecution pending before them, where temporary insanity is relied upon as a defense and the evidence tends to show that such insanity was brought about by the immoderate use of intoxicating liquors, to charge the jury in accordance with the provisions of section 1 of this act.

Approved February 17, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XV.—An act to amend article 1547 of the Revised Civil Statutes, passed February 21, 1879.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article 1547 of the Revised Civil Statutes shall be so amended as hereafter to read as follows:

Article 1547. Justices of the peace shall hold the regular terms of their courts at their respective offices at such times as may be prescribed by the commissioners' court of the county.

**SEC. 2.** There being no adequate law now in force fixing the time of holding the justices' court, where there are more than one residing at the county seat, and it being impossible for the constable to wait upon the courts holding session at the same time, an imperative public necessity exists that this act take effect at once, and the same shall take effect and be in force from and after its passage.

Approved February 17, A. D. 1881.

Takes effect from passage.

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**CHAPTER XVI.—An act to reorganize the twenty-fifth judicial district of the State of Texas, and to provide the times for holding the district courts therein.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the twenty-fifth judicial district of the State of Texas shall be composed of the following counties: Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces.

**SEC. 2.** Be it further enacted, That the district courts of said district shall be holden at the times hereinafter specified, to-wit: In the county of Cameron on the second Mondays of May and December, and may continue in session four weeks; in the county of Hidalgo on the fourth Mondays after the second Mondays of May and December, and may continue in session one week; in the county of Starr on fifth Mondays after the second Mondays of May and December, and may continue in session three weeks; in the county of Webb on the eighth Mondays after the second Mondays of May and December, and continue session three weeks; in the county of Duval on the eleventh Mondays after the second Mondays of May and December, and may continue in session two weeks; in the county of Nueces on the thirteenth Mondays after the second Mondays of May and December, and may continue in session until the business is disposed of, not exceeding six weeks.

**SEC. 3.** Be it further enacted, That the counties of Zapata and Encinal be and they hereby are attached to the county of Webb for judicial purposes.

**SEC. 4.** Be it further enacted, That all writs and process, civil and criminal, heretofore issued by or from the district courts in the several counties of said district and made returnable to the former terms of said courts as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts in each county as they are prescribed in this act; and all such writs, process that may be issued by or from said county, at any time within five days next before the holding of the next ensuing terms of said courts, as prescribed herein, and hereby made returnable to said terms respectively, and all such writs and pro-

cess hereinbefore mentioned are hereby legalized and validated, to all intents and purposes, as if the same had been made returnable to the term or terms of said courts, as the terms thereof are herein prescribed; *provided*, that if the counties of LaSalle and McMullen shall not be incorporated in a new judicial district, and until then the said counties shall continue to constitute a portion of the twenty-fifth judicial district, and the judge of said district is hereby authorized and required to designate the times of holding the terms of the district courts in said counties by an order that shall be entered on the minutes of the district court of McMullen county, which order shall be published in a newspaper published in the county of Webb for four successive weeks before the first court, (the time of holding which may be so fixed by order) shall be held, which times, when so fixed, shall not be changed, except by the Legislature; *and, provided further*, that the said county of LaSalle shall, until otherwise provided, continue to be attached to the county of McMullen for judicial purposes.

SEC. 5. Be it further enacted, That whereas, the short time elapsing before the ensuing term of the district court in the county of Cameron, as now provided by law, creates an imperative public necessity and emergency for the suspension of the constitutional rule which requires that all bills shall be read on three several days, and the said rule is accordingly suspended. That this act take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved February 24, A. D. 1881.

Takes effect from passage.

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## CHAPTER XVII.—An act prescribing the times for holding terms of the county court for criminal business in Grayson and Dallas counties.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That there shall be begun and holden a term of the county court for criminal business of Grayson and Dallas counties, at the county seats thereof, at the following times, to wit: On the first Mondays in January, March, May, July, September and November, and on the third Mondays in February, April, June, August, October and December, in each year, which shall continue in session until the business of the term is disposed of; *provided*, the term for criminal business shall not extend beyond the commencement of the term for civil and probate business.

SEC. 2. The crowded condition of the civil and probate docket in the county courts of Grayson and Dallas counties, resulting almost in a denial of trial to litigants, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended and an emergency that this act take effect from and after its passage, and it is so enacted.

Approved February 24, A. D. 1881.

Takes effect from passage.

**CHAPTER XVIII.**—An act to create the thirty-fourth judicial district, and prescribing the time of holding district courts therein, and to provide for the appointment of a district judge and district attorney therein.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the counties of Clay, Archer, Baylor, Young, Throckmorton, Wichita, Wilbarger, Hardeman, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Haskell, Stonewall, Kent, Garza, Lynn, Terry and Yoakum be and the same are hereby constituted the thirty-fourth judicial district.

**SEC. 2.** The county of Wichita is hereby attached to the county of Clay for judicial purposes until organized; the counties of Wilbarger, Knox, Hardeman, Cottle, King, Dickens, Motley, Floyd, Crosby, Lubbock, Hale, Lamb, Hockley, Cochran and Bailey are hereby attached to the county of Baylor for judicial purposes until organized; the counties of Haskell, Stonewall, Kent, Garza, Lynn, Terry and Yoakum are hereby attached to the county of Throckmorton for judicial purposes until organized.

**SEC. 3.** That the district courts in the counties comprising the thirty-fourth judicial district shall be holden as follows: In the county of Clay on the first Mondays in April, August and December, and may continue in session two weeks; in the county of Archer on the second Monday after the first Mondays in April, August and December, and may continue in session one week; in the county of Baylor on the third Monday after the first Mondays in April, August and December, and may continue in session two weeks; in the county of Throckmorton on the fifth Monday after the first Mondays in April, August and December, and may continue in session two weeks; in the county of Young on the seventh Monday after the first Mondays in April, August and December, and may continue in session two weeks.

**SEC. 4.** That all process heretofore issued or served, returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable at the time prescribed herein, and all such process is hereby legalized and validated, as if the same had originally been made returnable at the time herein specified.

**SEC. 5.** That immediately after the passage of the act the governor shall appoint some suitable person as judge of said district, and some suitable person as district attorney of said district, who shall each hold their office until the next general election for State and county officers, and until their successors shall be elected and qualified.

**SEC. 6.** That an imperative public necessity and emergency exist that this act pass and take effect at once; it is, therefore, enacted that the rules requiring this act to be read upon three several days be suspended, and that this act take effect and be in force from and after its passage.

**SEC. 7.** That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 25, A. D. 1881.

Takes effect from passage.



**CHAPTER XIX.**—An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justices' courts of said counties to such change.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the county courts of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties shall have and exercise the general jurisdiction of probate courts; shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos [mentis]* and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis* and common drunkards, including the partition, distribution and settlement of estates of deceased persons; and to apprentice minors, as required by law; and all matters of eminent domain, over which the county courts have jurisdiction by the general laws of this State, and to punish contempt under such provisions as are or may be provided by general law governing county courts throughout the State; but said county courts shall have no other jurisdiction, civil or criminal.

**SEC. 2.** That the district courts of said counties shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which, by the general laws of the State, the county courts of said counties would have jurisdiction, except as provided in section one of this act, and except all causes and matters, civil and criminal, over which, by the general laws of the State, the justices' courts of said counties would have jurisdiction; and that all cases, other than probate matters, and such as are provided in sections one and three of this act, be and the same are hereby transferred to the district courts of said counties; and writs and processes, civil and criminal, heretofore issued by or out of said county courts, other than those pertaining to matters over which, by sections one and three of this act, jurisdiction is given to the county courts and justices' courts of said counties, be and the same are hereby made returnable to the next term of the district courts of said counties.

**SEC. 3.** That the justices' courts of said counties, precinct No. 1, shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which, by the general laws of the State, the county courts of said counties would have jurisdiction; *provided*, that, by this section, no more jurisdiction shall be conferred on said courts than is given by the general laws of the State, and that all cases, over which the justices' courts have jurisdiction by the general laws of the State, be and the same are hereby transferred to the justices' courts, precinct No. 1, of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and all writs and processes, civil and criminal, heretofore issued by or out of said county courts, other than those pertaining to matters over which, by sections one and two of this act, jurisdiction is given to the county and dis-

strict courts of said counties, be and the same are hereby made returnable to the next succeeding justices' courts of said precincts No. 1 that convene after this act takes effect.

SEC. 4. That the clerks of the county courts of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties be and they are hereby required, immediately after the passage of this act, to make full and complete transcripts of all the entries on their dockets, civil and criminal, heretofore made in causes which, by sections two and three, are transferred to the district and justices' courts of said counties, and file the same, together with all original papers of all of said causes and proceedings, with the clerk of the district court of said counties, and justices of the peace for precinct No. 1 in said counties, which includes all judgments, both civil and criminal, that remain uncollected and not satisfied; and, for the purpose of carrying into effect fully this act, the court having jurisdiction of the subject matter shall have full and ample power to enforce the same by issuing execution or other process required by law, and all of such causes, under this act, transferred to the district courts, shall be immediately docketed by the clerk of said court, and shall stand on the dockets of said courts as appearance cases for the next term of said courts; and all of such causes, transferred to the justices' courts, shall be filed at once by the justice of the peace thereof, which shall stand for trial at the next term of said courts; and for each of said transcripts the county clerk shall receive twenty cents per hundred words, and fifty cents for certificate thereto, to be taxed against the party cast in the suit, if a civil suit, and if criminal against the defendant, if convicted.

SEC. 5. That all laws and parts of laws, in conflict with this act, be and the same are hereby repealed.

SEC. 6. Whereas, the unnecessary expense and trouble that the people are now and will be put to in attending the county courts of said counties, and the importance of the passage of this act at once, creates an emergency and a public necessity that the rules requiring this act to be read on three several days, should be suspended, and that this act take effect and be in force from and after its passage.

Approved February 25, A. D. 1881.

Takes effect from passage.

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## CHAPTER XX.—An act validating the proceedings of the county court of Jackson county.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That all the terms of the county court, for civil and probate business, in and for the county of Jackson, heretofore begun and held on the first Mondays of January and July of each year, be and the same are hereby legalized and validated, and all the proceedings therein shall have the same force and effect as if said terms were held on the third Mondays of January and July of each year.

SEC. 2. That the public at large are interested in the validity of the records of its courts, and from the amount of work already carved out, and the number of bills now before the Legislature, there is a probability that this bill will not be reached in its regular order during this session,

therefore there is an imperative public necessity and emergency that the constitutional rule requiring this bill to be read on three several days, be suspended, that this act take effect and be in force from and after its passage, and it is so enacted.

Approved February 25, A. D. 1881.

Takes effect from passage.

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CHAPTER XXI.—An act to provide for the payment of the interest due on the public debt March 1, 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty-five thousand four hundred and fifty-five dollars be and the same is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying the interest accruing on the public debt up to March 1, 1881.

SEC. 2. That no default be made in the prompt payment of the interest due on the public debt, and the brief time between the present and the first of March, when such interest becomes due, creates an imperative public necessity and emergency that the constitutional rules requiring this bill to be read on three several days be suspended, and that it take effect from and after its passage, and it is so enacted.

Approved February 26, A. D. 1881.

Takes effect from passage.

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CHAPTER XXII.—An act to amend an act entitled An act to change and define the times of holding the terms of the district court in the fifth judicial district of the State of Texas, passed by the Sixteenth Legislature, and approved April 23, 1879, so that the same shall hereafter read as follows:

SECTION 1. Be it enacted by the Legislature of the State of Texas, That hereafter the terms of the district courts of the fifth judicial district of the State of Texas shall be holden at the times hereinafter specified, to wit: In the county of Cass on the first Mondays in February and September, and may continue in session three weeks; in the county of Bowie on the third Mondays after the first Mondays in February and September, and may continue in session three weeks; in the county of Morris on the sixth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Titus on the eighth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Franklin on the tenth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Camp on the twelfth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Marion on the fourteenth Mondays after the first Mondays in February and September, and may continue in session six weeks; *provided*, that no jury shall be impeaneled after the fourth week of said term.

SEC. 2. That writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined, and all such

writs and process as have been issued, executed and returned shall be as valid as if no change had been made in said courts by the passage of this act.

SEC. 3. The fact of the near approach of the terms of the district court in the counties of the fifth judicial district that are intended to be benefited by this act, creates an imperative public necessity and emergency for the immediate passage of this act; therefore, the constitutional rule requiring this bill to be read on three several days is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved February 26, A. D. 1881.

Takes effect from passage.

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## CHAPTER XXIII.—An act regulating the removal of the disabilities of minors..

SECTION 1. Be it enacted by the Legislature of the State of Texas, That any minor in this State over the age of nineteen years, who may desire to have his disabilities as a minor removed, he shall, by a bill or petition, present to the district court of the county where he may reside the cause or causes existing which make it advisable or advantageous to said minor to have his disabilities removed, which bill or petition shall be sworn to by some person cognizant of the facts set out in said bill or petition.

SEC. 2. Said petition or bill shall be docketed on the trial docket of the court, and may be heard by the court either in regular order or at any time during term time, and if it shall appear to the court that the ground or causes set out are sufficient, and that it is advisable, or will be advantageous to such minor, in person or property, to have his disabilities as a minor removed, the court shall enter up a decree removing the disabilities of said minor, and cause it to be entered of record among the decrees and judgments of court.

SEC. 3. After the removal of such disabilities of minority, the said minor shall be deemed and held for all legal purposes, of full age, and shall be held responsible, and shall have all the privileges and advantages as if he were of full age, saving only that he shall not vote until he arrives at the full age of twenty-one years.

SEC. 4. In all proceedings under this act, a copy of the petition shall be served upon the father of the minor, if living within the State, and, if he be dead, that fact shall be mentioned in the petition. If the father of the minor be not living, then a copy of the petition shall be served upon the county judge of the county in which the proceeding is instituted, and in all such cases the court hearing the application shall appoint a special guardian, whose duty it shall be, in connection with the county judge, to represent the true interests of the minor, as they shall understand it, in aiding or resisting the application of the minor. An allowance shall be made by the district judge presiding to the special guardian, which shall be paid out of the estate of the minor.

Approved March 2, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XXIV.**—An act to amend chapter 3, of title 17, of the Penal Code of Texas, by adding after article 683 article 683a.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the Penal Code of Texas be amended by adding after the article 683 article 683a, which shall read as follows, viz: "That any baggage-master, express agent, stage or hack-driver, or other common carrier, whose duty it is to handle, remove, transfer or take care of trunks, valises, boxes or other baggage while loading, transporting, unloading, transferring, delivering, storing or handling the same, whether or not in the employ of any transportation company or common carrier, who shall maliciously or carelessly or recklessly break, injure or destroy the said baggage, shall be deemed guilty of a misdemeanor, and, on conviction, be fined in a sum not exceeding one hundred dollars; *provided*, that a prosecution for a misdemeanor, as provided in this section, shall not be a bar to a civil action for damages."

Approved March 5, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XXV.**—An act to amend articles 364 and 365 of an act entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," presented to the governor for his approval on February 27, 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That articles 364 and 365 of an act entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," presented to the governor for his approval on February 27, 1879, be so amended as to hereafter read as follows:

"Article 364. If any person shall bet or wager at any gaming table, or bank, or pigeon-hole or jenny lind table, or nine or ten pin alley, such as are mentioned in the six preceding articles, or shall bet or wager any money or other thing of value at any of the games included in the six preceding articles, or at any of the following games, viz: poker-dice, jack-pot, high dice, high die, low dice, low die, dominoes, euchre with dominoes, poker with dominoes, sett with dominoes, muggins, crack-loo, crack-or-loo, or at any game of any character whatever that can be played with dice or dominoes, or at any table, bank or alley, by whatsoever the name may be known, and without reference to how the same may be constructed or operated, he shall be fined not less than ten dollars nor more than twenty-five dollars; *provided*, no person shall be indicted under this section for playing any of said games with dice or dominoes at a private residence.

"Article 365. If any person shall permit any game prohibited by the provisions of this chapter to be played in his house, or a house under his control, or upon his premises, or upon premises under his control, the said house being a public place, or the said premises being appurtenances to a public place, he shall be fined not less than twenty-five nor more than one hundred dollars."

Approved March 5, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XXVI.—An act to repeal article 2234 of an act entitled “An act to adopt and establish the Revised Civil Statutes of the State of Texas,” passed by the Sixteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 2234 of “an act to adopt and establish the Revised Civil Statutes of the State of Texas,” passed by the Sixteenth Legislature, be and the same is hereby repealed.

SEC. 2. Whereas, there is apparently a conflict between the requirements of the above named article and the provisions and intent of section 1 of “an act to define in what civil causes depositions of witnesses may be taken,” approved April 21, 1879, creating a confusion and variety of opinion thereon, and rendering uncertain the rights, and endangering the interest of citizens under said last-named act; therefore an emergency is created for the suspension of the constitutional rule directing that no law shall go into force until ninety days after the adjournment of the Legislature, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XXVII.—An act to amend article 375, chapter 4, of title 17, of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns, over streets, alleys and public grounds.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 375, chapter 4, of title 17, of the Revised Civil Statutes of the State of Texas, shall be so amended as hereafter to read as follows:

“Article 375. The council shall have exclusive control and power over the streets, alleys, public grounds and highways within the corporate limits, and shall have power to abate and remove encroachments or obstructions thereon, and shall have power to open, alter, widen, extend, establish, regulate, grade, clean or otherwise improve said streets, and to cause the male inhabitants, between the ages of eighteen and forty-five years, to work thereon, not exceeding six days in any one year, or furnish a substitute, or a sum of money (not to exceed one dollar for each day's work demanded) to employ said substitute, and to enforce the same by appropriate ordinances; to put drains or sewers therein, and to prevent the incumbering thereof in any manner, and to prevent the same from injury; and to regulate and alter the grade of premises and to require the filling up and raising the same; *provided*, that citizens of cities and towns, who work under the provisions of this act, shall not be liable to work upon the public roads outside of the corporate limits of said city or town under the general road law of the State.”

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XXVIII.**—An act to amend section 11 of an act entitled “an act to protect the wool-growing interests of the State of Texas,” approved March 25, 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That hereafter section 11 of the above entitled act shall read as follows, to-wit:

“Section 11. The following counties are hereby exempted from the provisions of this act, viz.: Anderson, Angelina, Bowie, Cass, Chambers, Cherokee, Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Fayette, Fort Bend, Franklin, Freestone, Grimes, Hardin, Harris, Harrison, Henderson, Jack, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Liberty, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Rains, Red River, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Somervell, Tarrant, Titus, Trinity, Tyler, Van Zandt, Wood, Walker, Waller, Wharton, Young, and the unorganized counties attached to Jack and Young counties for judicial purposes. The counties of Clay, Montague and Wise, together with the unorganized counties attached to the same for judicial purposes, are also exempted from the provisions of this act.”

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XXIX.**—An act to amend sections 1, 3, 5, and 7 of an act entitled “an act to protect the wool-growing interest of the State of Texas,” approved March 25, 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That sections 1, 3, 5 and 7 of an act entitled “an act to protect the wool-growing interest of the State of Texas,” approved March 25, 1879, be and the same are hereby amended so as to read hereafter as follows:

“Section 1. Whenever it appears from the assessor's rolls that there are as many as five hundred sheep owned and assessed for taxes in any county in this State (that is not exempted from the operations of this act by the original bill), it should be the duty of the commissioners' court of such county, upon the application of one or more resident sheep owner or owners of said county, to appoint an inspector of sheep, who shall be a resident citizen of the county and well versed in the scab and other diseases which usually affect sheep, and said inspector shall hold his office until the next general election, or until his successor in office shall have qualified; *provided*, the qualifications required for inspector herein shall not apply to those appointed before this act takes effect. Said inspector may appoint one or more deputies, who shall take the oath of office prescribed by the constitution, and may lawfully perform the same acts as the inspector of sheep, who may require of his deputies bonds for the faithful performance of duty.

“Sec. 3. It shall be the duty of the inspector of sheep, or the deputy inspector, to carefully and personally examine and inspect at any time during the year any flock of sheep in his county, or which may be driven into or through his county, and which he has good reason to believe or is informed by two or more creditable sheep owners, is affected with scab or any other infectious or contagious disease; *provided*, that when the

inspector of sheep makes the examination and inspection upon his own motion, he shall not be entitled to any compensation, unless the sheep are affected with scab or some infectious or contagious disease; and if any inspector of sheep shall wilfully demand or receive any fee or compensation where none is allowed him by law, he shall be deemed guilty of misdemeanor, and, upon conviction thereof, he shall be fined in any sum not less than ten nor more than two hundred dollars, and shall also be deemed guilty of official misconduct and liable to be removed from office, as is or may be provided by law.

"Sec. 5. Whenever, upon examination and inspection, heretofore provided, of flocks herded or kept in the county, scab or any other infectious or contagious disease is ascertained to exist in any flock, the inspector shall at once notify the owners or persons in charge thereof of said fact, and shall prescribe certain limits within which said flock shall be herded until cured; *provided*, no person shall be so limited as to prevent him from herding or keeping his sheep anywhere on his own land or lands lawfully controlled by him, if the tract or tracts of said land are so contiguous to each other that in herding or driving the sheep the same will not go or be upon any tract or tracts of land of some other persons.

"Sec. 7. No sheep owners shall give information to any inspector of sheep that any flock of sheep is affected with scab or any infectious or contagious disease, until he shall have first personally and carefully examined said flock, or have been refused the privilege of so doing; *provided*, that if upon the information of the sheep owners, the inspector of sheep makes the examination and inspection, and finds scab or other infectious or contagious disease to exist among the sheep, his acts in so doing shall not be deemed invalid in any proceedings under this act in any court of this State against such owner or persons in charge of the sheep so examined and inspected from the fact that said informants did not comply, or may not have complied, with their duty under this section before they gave information to the inspector."

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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## CHAPTER XXX.—An act to provide for the change of time of holding the terms of the district court of Gonzales county.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That hereafter the terms of the district court in and for Gonzales county shall be holden on the first Monday in January and on the third Monday in June, of each year, and continue in session four weeks, or until the business is disposed of.

SEC. 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined; and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in said court by the passage of this act.

Whereas, the term of the district court of Gonzales county, under the law as it now exists, will soon commence, and at a time when it will occasion great trouble and inconvenience to the farming communities of said county, therefore, there exists an emergency and public imperative



necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill go into effect from and after its passage, and it is so enacted.

Approved March 18, A. D. 1881.

Takes effect from passage.

**CHAPTER XXXI.**—An act to regulate the sale of spirituous, vinous, or malt liquors or medicated bitters; to fix the rate of occupation tax upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That hereafter there shall be levied upon and collected from any person, firm or association of persons engaged or engaging in the business of selling spirituous, vinous or malt liquors or medicated bitters, an annual tax upon every such occupation, or separate establishment, as follows: For selling spirituous, vinous or malt liquors in quantities less than a quart, three hundred dollars; for selling such liquors or medicated bitters in quantities of one quart and less than five gallons, two hundred dollars; for selling such liquors, in quantities of five gallons or more, three hundred dollars; for selling malt liquors exclusively, an annual tax of fifty dollars; *provided*, that nothing in this section shall be so construed as to prevent wholesale liquor dealers, or merchants who pay occupation tax as such, from selling unbroken packages containing less than five gallons, without being required to pay an additional tax as quart dealers.

**SEC. 2.** That the commissioners' courts of the several counties in this State shall have power to levy and collect taxes upon each of the occupations herein named equal to one-half of the State tax herein levied upon said business; and, where any such occupation or calling is carried on in an incorporated town or city, such town or city shall have power to levy and collect an additional tax upon such occupation or calling equal to that levied by such commissioners' courts.

**SEC. 3.** That every person, firm or association of persons, desirous of engaging in the business of selling spirituous, vinous or malt liquors or medicated bitters, shall, before engaging in such business, pay to the collector of taxes of the county wherein such business shall be pursued, the entire annual tax herein levied for State purposes, according to the particular class of business in which such person, firm or association of persons may wish to engage, and the entire annual tax upon such business as shall or may be levied by the commissioners' court of said county, and, in case the selling of said spirituous, vinous or malt liquors or medicated bitters shall be carried on in an incorporated town or city, the person, firm or association of persons so selling shall, in addition to the State and county tax herein required to be paid in advance, pay to the collector of taxes in and for such town or city, such tax as may be levied upon such business by such town or city, and all taxes herein required shall be paid in advance for periods of not less than twelve months; *provided*, that any person, firm or association of persons, who may now be engaged in any of the occupations herein named, under and by virtue

of the authority of an act passed by the Sixteenth Legislature, commonly known as "the bell punch law," approved April 3, 1879, shall not be deprived of any right, privilege or immunity to which he or they may be entitled under said law; but such person, firm or association of persons may continue their said several occupations for the full period or periods of time for which such person, firm or association of persons shall have paid occupation tax under the provisions of said act of April 3, 1879, or may, at their option, take out license under the provisions of this act, and when so doing shall have credit for any balance due on payment made under act of April 3, 1879.

SEC. 4. That any person, firm, or association of persons desiring to engage in the sale of spirituous, vinous or malt liquors, in quantities less than a quart shall, before engaging in such occupation, be required to enter into bond, with at least two good and lawful sureties, payable to the county judge and his successors in office, and to be approved by him, in the sum of one thousand dollars, conditioned that said person, firm or association of persons so selling spirituous, vinous or malt liquors in quantities less than a quart shall keep an orderly house or place for the sale of such liquors, and that he or they will not sell nor knowingly permit to be sold in his or their said place of business, nor give nor permit to be given any spirituous, vinous or malt liquors to any minor under the age of twenty-one years, or to students of any institution of learning, or to any habitual drunkard, or to any person, after being notified in writing by the wife or daughter of the person not to sell to such person, and that he or they will not knowingly permit any games prohibited by the laws of this State, to be played, deal or exhibited in or about such place of business, and that he or they will not knowingly permit any minor, under the age of twenty-one years, to enter upon or remain in such establishment; which said bond may be sued on at the instance of any party aggrieved by the violation of the provisions of said obligation, and said bond shall not be void on first recovery, but may be sued on until the full penal sum named therein shall have been recovered. The provisions of this section shall not be so construed as to repeal or in any manner affect any penal laws now in force concerning the unlawful sales of spirituous, vinous or malt liquors. In addition to civil proceedings for individual injuries brought on said bond, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county treasurer and the county attorney and the district attorney, or either of them, to institute suit thereupon in the name of the county judge of the county, for the use and benefit of the county, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon proof of a breach of any of the conditions thereof. And, whenever the first or subsequent bond required is exhausted by suits at the instance of individuals or for the use of the county, a new similar bond shall be given and approved before the dealer shall have the right to further pursue his occupation as a retail liquor dealer, or in case a suit is pending on any such bond, and the county or district attorney shall make and file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, the said clerk shall notify the liquor dealer thereof, and it shall be the duty of the retail liquor dealer, within twenty days from the time the said bond is exhausted, or in the other event, within twenty days from the time the said notice is given, to give a new bond similar to the bond first given, to be approved in the same way; and until such new bond is

given and approved, where it is required by this act, the retail liquor dealer shall not have the right to further pursue his occupation; and any person who shall pursue his said occupation, without giving a new bond as required by this act, shall be guilty of a misdemeanor, and on conviction shall be fined the same amount provided for in cases where no license has been obtained.

SEC. 5. That the county clerks in the several counties in this State shall issue license to any person, firm or association of persons engaged or desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, upon payment by such person, firm or association of persons, of all occupation taxes herein levied for State purposes, and such additional occupation taxes as shall be levied by commissioners' courts, and by incorporated towns or cities, and also filing the bond required in section 4 of this act; the evidence of such payment of all tax upon such occupation shall be the receipt of the county collector of taxes for such amount of tax as shall have been or may be assessed and collected for State and county purposes upon such occupation, and the receipt of the city collector of taxes for amount of such tax paid any city or town wherein such business or occupation may be carried on. For issuing the license herein provided for county clerks shall be entitled to charge and receive a fee of twenty-five cents for each license so issued.

SEC. 6. That any collector of taxes who shall knowingly permit any person, firm or association of persons to engage in or pursue any of the occupations hereinbefore named, without first paying all legal taxes assessed against such person, firm or association of persons for such occupation for State and county purposes, and also filing the bond and procuring the license herein required, shall be fined in any sum not less than twenty-five nor more than two hundred dollars for every such offense; *provided*, that evidence that such collector of taxes has reported such person, firm or association of persons so pursuing an occupation in violation of law, immediately to the county or district attorney of his county, shall be a defense against all prosecutions against collectors under this section.

SEC. 7. That the comptroller of public accounts is hereby required to prescribe and furnish to the county clerk the necessary blank forms for bonds herein provided for and the blank forms for license to be issued by such clerks herein required, and also to prescribe and furnish to collectors of taxes the necessary blank forms for receipts to be issued by such collectors to any person, firm or association of persons paying occupation tax under the provisions of this act.

SEC. 8. That the license required by this act shall be posted in some conspicuous place in the house where the business or occupation for which such license is necessary is carried on, and for a failure to so conspicuously post such license at or in such place of business, any person or any member of any firm or association of persons so failing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed twenty-five dollars.

SEC. 9. That whereas great confusion, difficulty and loss may occur from any delay in the final passage of this act, thereby creating an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; therefore said rule is hereby suspended; and this act shall take effect and be in force from and after its passage.

SEC. 10. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, except as otherwise herein provided in section 3 of this act.

Approved March 11, A. D. 1881.

Takes effect from passage.

**CHAPTER XXXII.**—An act to amend articles 3824 and 3825, title 79, of the Revised Civil Statutes of the State of Texas, and to add thereto articles 3825a and 3825b, and to create Clay, Baylor, Wheeler and Oldham county land districts.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That title 79, chapter 3, articles 3824 and 3825 of the Revised Civil Statutes of the State of Texas be amended, and that articles 3825a and 3825b be added thereto, so that the same shall read as follows;

“Article 3824. The counties of Clay, Wichita, Wilbarger, Greer, Hardeman, Childress and Donley, are hereby made and constituted the Clay land district, and the county surveyor of Clay county shall be the surveyor for said district, and shall keep his office at the county seat of Clay county; and the records of all files and surveys of land for said district shall be kept in said office.

“Article 3825. The counties of Baylor, Knox, Bailey, Lamb, Parmer, Castro, Swisher, Hale, Cottle, Motley, Floyd, Briscoe and Hall are hereby made and constituted the Baylor land district, and the county surveyor of Baylor county shall be the surveyor for said district, and shall keep his office at the town of Seymour, in the county of Baylor, and the records of all files and surveys for land for said district shall be kept in said office.

“Article 3825a. The counties of Wheeler, Hemphill, Lipscomb, Collingsworth, Gray, Roberts, Ochiltree, Armstrong, Carson, Hutchinson and Hansford are hereby made and constituted the Wheeler land district, and the county surveyor of Wheeler county shall be the surveyor for said district, and shall keep his office at the county seat of the county of Wheeler, and the records of all files and surveys for land for said district shall be kept in said office.

“Article 3825b. The counties of Oldham, Deaf Smith, Randall, Potter, Moore, Sherman, Dallam and Hartley are hereby made and constituted the Oldham land district, and the county surveyor of Oldham county shall be the surveyor of said district, and shall keep his office at the county seat of Oldham county, and the records of all files and surveys for said district shall be kept in said office.”

Approved March 11, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XXXIII.**—An act to amend sections one and six of “an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale,” passed at the special session of the Sixteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That sections one and six of the above recited act shall hereafter read as follows:

“Section 1. That all vacant and unappropriated land, situated in the

following named counties, viz: Noland, Mitchell, Howard, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Farmer, Castro, Swisher, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Roberts, Hutchinson, Moore, Hartley, Sherman, Hansford, Ochiltree and Lipscomb be and the same is hereby appropriated and set apart for sale, together with all the unappropriated lands situated and being within and included in the Pacific Reservation, and together with such separate tracts of unappropriated public lands situated in organized counties of this State, as contain not more than six hundred and forty acres; *provided*, that the three million and fifty thousand acres, heretofore appropriated for the building of a state capitol, shall have a preference right of location in the counties heretofore reserved for that purpose. The provisions of this act shall not be so construed as to prohibit the right of pre-empting within the bounds of the reservation here made, but any party shall have the same right of acquiring a homestead within this reservation under the pre-emption laws of this State, as he may have had prior to the passage of this act.

“SEC. 6. These lands shall be sold in tracts of six hundred and forty acres each, unless precluded by previous surveys, in which event the purchaser must include all the vacancy, and no tract shall have a greater frontage on any navigable stream or permanent water than one-half the square of such survey, excepting where surrounded by older surveys.”

SEC. 2. Whereas, the fact that Carson county having been left out of the original law subjecting the vacant lands in said county to location, creates an emergency that this act take effect from and after its passage, and it is so enacted.

Approved March 11, 1881.

Takes effect ninety days after adjournment.

CHAPTER XXXIV.—An act to release certain inhabitants in the town of Savoy, county of Fannin, from the payment of taxes assessed and now due for the year A. D. 1880, in consequence of a great public calamity.

WHEREAS, on the 28th day of May, 1880, there occurred in the village of Savoy, situated in Fannin county, State of Texas, a great public calamity, same being a most terrible and destructive cyclone, such as has never occurred before within the memory of the oldest inhabitant. Within the compass of a few moments the houses of all those mentioned in this act were crushed to the earth; several were killed immediately, and a great many seriously wounded, a number of the latter maimed for life. Stock and poultry were destroyed, and, in fact, the little town was left but a crushed ruin; therefore,

SECTION 1. Be it enacted by the Legislature of the State of Texas (two-thirds of the members of each House by a vote concurring therein), That the following named inhabitants of said portion of said county, to wit: of the town of Savoy, the same being great sufferers from the cyclone, be and they are hereby released from the payment of the sev-

eral sums named, the same being the amount of State and county taxes assessed against them, and now due for the year A. D. 1880, to wit:

NAMES.	NAMES.
R. R. Halsell.....\$11 63	S. J. McKnight..... \$9 37
E. Harle..... 6 29	James O'Riley..... 1 10
J. W. Hunter..... 2 25	J. H. Montgomery..... 1 31
T. J. Chenowith..... 30 09	W. R. Sage..... 13 72
S. W. McKee..... 20 19	W. N. Youree..... 27 31
R. W. Gallaher..... 12 06	G. W. Thompson..... 8 30
W. F. Suddeth..... 4 46	A. J. Smith..... 4 47
R. D. Chaney..... 14 10	C. A. Vestal..... 3 97
W. B. Chaney..... 2 88	W. L. Andruss..... 7 07
Wm. Thompson..... 21 68	Russell, Bradford & Co.... 43 75
J. P. Smith..... 4 10	J. J. Ryan..... 10 44
R. E. Stringer..... 6 66	Mary E. Johnson..... 12 54
Stringer & Smith..... 16 25	J. M. Naylor..... 3 81
Mrs. Laura Brown..... 3 75	Matt L. Taylor..... 10 98
F. E. Horne..... 17 95	A. J. Duckworth..... 9 41
G. G. Lindsey..... 4 60	T. J. Cox..... 3 19
James Paxton..... 25 30	R. R. Roberts..... 7 09
R. T. Best..... 7 07	J. A. Keams..... 2 62
Wm. H. Brooks..... 10 86	W. B. Wooten..... 10 25
M. M. Jackson..... 10 62	Wm. Savoy..... 15 24
C. R. March..... 3 20	Ben P. Crabb..... 2 90
Wm. G. Johnson..... 29 95	A. J. Malugin..... 11 85
J. H. Culpepper..... 2 75	N. A. Andruss..... 5 60
T. J. Patillo..... 6 31	G. W. Mathis..... 12 31
A. W. Jolly..... 11 90	J. J. Roberts..... 16 95
J. A. Jolly..... 2 47	M. T. Simmons..... 7 43
M. W. King..... 15 61	Jud Mathison..... 3 50
J. A. Barnard..... 6 25	J. W. Elder..... 2 36
Barnard & King..... 9 37	Robt. F. Jones..... 2 98

And that the several sums of taxes against said persons respectively be and the same are hereby remitted.

SEC. 2. That the comptroller of public accounts of this State, and the county treasurer and commissioners' court of Fannin county, be and they are hereby authorized and required to credit the tax collector of Fannin county with the several sums herein and hereby released, the said comptroller to credit him with the several amounts of State tax, and said treasurer and commissioners' court to credit him with the several amounts of county tax, in his settlement with them for taxes collected by him for the year 1880, by deducting the same from the aggregate of the tax lists now in his hands for collection for the said year; and said tax collector be and he is hereby relieved from collecting said several sums, or any part thereof, from the said several persons hereby relieved; and if the said tax, or any part of the same, shall have been collected by the said collector of taxes for Fannin county, then and in that case the said collector is hereby required to refund such amounts of the said tax to the person having paid the same.

SEC. 3. An imperative necessity and emergency exists which requires the immediate passage and taking effect of this act, as the tax collector

is required by law to collect said several sums of taxes, by seizure and levy from said persons if the same be not paid by the 1st day of March, 1881, and the several inhabitants may not in consequence thereof be benefited by this act as intended; therefore be it enacted, that this act take effect and be in force from and after its passage.

Approved March 11, A. D. 1881.

Takes effect from passage.

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**CHAPTER XXXV.**—An act to amend article 3971, chapter 11, of the Revised Civil Statutes, providing for the disposal of certain lands known as the Indian Reservations, and to repeal articles 3972, 3973, 3974, 3975 and 3976 of the Revised Statutes upon the same subject.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article 3971 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows, viz.:

“Article 3971. So much of the seventeen leagues of land known as the Indian Reservations, which were set apart and appropriated by the act of January 25, 1875, one-half to the school fund and the remaining half for settlement, and which have not been settled upon and appropriated under the provisions of said act, shall be and the same is hereby set apart and appropriated to the common free school fund of this State, and the same shall be subject to the general laws applicable to and regulating the management and disposal of the other school lands belonging to the permanent school fund.”

**SEC. 2.** That articles 3972, 3973, 3974, 3975 and 3976 of the Revised Statutes be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 11, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XXXVI.**—An act to be entitled an act to amend title 11, chapter 1, article 241, of the Revised Civil Statutes of Texas, adopted February 21, 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article 241 of the Revised Civil Statutes be so amended that hereafter it shall read as follows:

“Article 241. The following judicial districts in this State shall each, respectively, elect a district attorney, viz.: The first, the second, the third, the fourth, the fifth, the seventh, the eighth, the ninth, the twelfth, the seventeenth, the eighteenth, the fifteenth, the nineteenth, the twentieth, the twenty-third, the twenty-fourth, the twenty-fifth, the thirtieth, and the counties of Galveston and Harris; *provided*, that the governor shall appoint a district attorney for the thirtieth and nineteenth judicial districts until the next general election.”

**SEC. 2.** The fact that courts of the nineteenth judicial district are now in session for the trial of persons accused of felony, and that public policy demands that the State shall have additional aid in their prosecu-

tion, justifies the suspension of the rule requiring this bill to be read on three several days, and it is suspended, and creates an emergency which requires that this act take effect from and after its passage, and it is so enacted.

Approved March 11, A. D. 1881.

Takes effect from passage.

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**CHAPTER XXXVII.**—An act to repeal "An act to diminish the civil jurisdiction of the county court of Navarro county and to conform the jurisdiction of the district court of said county to such change," approved July 2, A. D. 1879, and to prescribe the jurisdiction of said county court.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That an act entitled "An act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such change," approved July 2, A. D. 1879, be and the same is hereby repealed.

**SEC. 2.** That said county court be and the same is hereby re-invested with the jurisdiction, criminal and civil, which it had and exercised prior to the passage of said act diminishing the jurisdiction of said court.

**SEC. 3.** That all causes now pending in the district court of said county of Navarro, over which the county court of that county would have jurisdiction under the constitution, shall be transferred to said county court, and all causes now pending in said district court, over which said district and county courts have concurrent jurisdiction, shall, upon the written motion of either party thereto, filed with the clerk of said district court, be transferred to said county court, and all causes so transferred shall be docketed in said county court and stand for trial as appearance causes in that court.

**SEC. 4.** That the district clerk of said county of Navarro be and he is hereby required, within twenty days after the passage of this act, to make a full and complete transcript of all entries made upon the dockets of said district court in all causes which will be by section three of this act transferred from said court, and shall deliver the same and all the papers of each cause to the clerk of said county court.

**SEC. 5.** The crowded condition of the dockets of said district court creates an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 12, A. D. 1881.

Takes effect from passage.

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**CHAPTER XXXVIII.**—An act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That articles 423, 424, 425, 426, 427, 428, 429 and 430a, of chapter 5, title 13, of the Penal Code be so amended, and article 426½ be enacted, to read hereafter as follows:

"Article 423. No person shall throw, drag or haul any fish net, seine or



other contrivance for the purpose of catching fish (except the ordinary pole, line and hook, or trot line) in any stream, lake or pool of water within the State, not his own, above tide water, between the first day of February and the first day of July of each year; and at no time of the year in such waters shall any one be permitted to drag or haul any fish net or seine with meshes less two and a half inches square; and any one violating the provisions of this article shall, upon conviction, be fined in a sum of not less than five nor more than fifty dollars.

"Article 424. For the purpose of thoroughly protecting the fish now being propagated in our brooks, tanks, ponds, lakes, creeks, rivulets and rivers, not private and individual property, no person shall be permitted to set, place or use any fixed net, trap or other contrivances for trapping fish in said waters; and any one violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace or other court of competent jurisdiction, he shall be fined in a sum of not less than fifteen dollars nor more than seventy-five dollars, together with all costs in the case accruing, which fine shall go to the common school fund; and each day that any fixed net, trap or contrivance for trapping fish, as contemplated by this article, shall remain set or placed shall constitute a separate offense under this article; *provided*, that nothing in this bill shall be construed as to prohibit the fish commissioner of this State from taking any and all fish at any time and by any means for breeding and scientific purposes, and for stocking other waters.

"Article 425. If any person shall catch or take, or attempt to catch or take, any fish in the State by use of lime, china berries, or any other poisonous substances placed in the water, he shall be fined in a sum of not less than fifty nor more than one hundred and fifty dollars.

"Article 426. It shall hereafter be unlawful for any person to kill, trap, ensnare, or in any way destroy, any wild deer in the period of time embraced between the first day of December in any year and the first day of June of the next year, and any violation of this provision shall be considered a misdemeanor, and, upon conviction before any justice of the peace or other court of competent jurisdiction, shall be fined in a sum of not less than twenty-five dollars nor more than fifty dollars, together with the costs of suit, which fine shall go to the common school fund; and, upon conviction of said offense, as well as those provided against in articles 424 and 425 of this chapter, the person so offending and convicted shall stand committed to jail until such fines and costs are paid; and any butcher, huckster, marketer, carrier or express agent, or any person found in possession of fresh killed venison one day before the above specified open season begins, or ten days after the open season is closed, shall be deemed equally guilty of the violation of the provisions of this article, and liable to the same proceedings therein provided.

"Article 426½. It shall be unlawful for any person to kill, or to trap for immediate use or for market, any wild turkey in the period of time of each year between the fifteenth day of May and the first day of September, and any one so offending shall be proceeded against as provided in article 426 of this act, and, upon conviction, fined in the sum of twenty-five dollars the same to be used in accordance with the provisions of that article.

"Article 427. If any person shall in any manner catch or kill any pinnated grouse (prairie chickens) in this State in the months of March, April, May, June and July he shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace or other

court of competent jurisdiction, shall be fined in the sum of ten dollars, together with the cost of the suit, the fine to be disposed of in accordance with the provisions on that subject in article 426 of this act.

"Article 428. If any person shall in any manner catch or kill any quail or partridges in this State in the months of March, April, May, June, July and August of any year, he shall be punished as prescribed in article 427 of this act; and the netting of partridges is hereby entirely prohibited under a like penalty for the infraction of this provision, and under the proceedings governing said article 427.

"Article 429. If any person shall willfully kill, or in any manner injure, any mocking-bird, whippoorwill, night hawk, blue bird, red bird, finch, thrush, linnet, wren, martin, swallow, bobolink, cat bird, nonpareil, scissor-tail, sparrow, buzzard or carrion crow he shall be deemed guilty of a misdemeanor, and, upon conviction before a justice of the peace, or other court of competent jurisdiction, he shall be fined a sum of not less than five nor more than fifteen dollars.

"Article 430. That the following counties are hereby exempted from the provisions of articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Jasper, Newton, Hardin, Liberty, McLennan, Nacogdoches, Waller, Hood, Bosque, Somervell, Williamson, Lampasas, Sabine, San Augustine, Shelby, Titus, Franklin, Delta, Red River, Hunt, Rockwall, Henderson, Raines, Wood, Coryell, Hamilton, Brown, Coleman, Runnels, Johnson, Cook, Morris, Rusk, Panola, Grayson, Denton, Leon, San Jacinto, Polk, Tyler, Wise, Montague, Clay, and the unorganized counties attached to the same for judicial purposes; Ellis, Robertson, Anderson, Tom Green, Hill, Lamar, Freestone, Cherokee, Bowie, Taylor, Callahan, Shackelford, Stephens, Eastland, Erath, Comanche, Palo Pinto, Limestone, Navarro, Madison, Walker, Trinity and Austin; *provided*, that the counties of Orange, Jasper and Newton shall be exempted from the provisions of article 426; *provided further*, that the counties of Lavaca and Delta are hereby exempted from the provisions of articles 426 and 429."

SEC. 2. That the following counties are also hereby exempted from the provisions of articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Kaufman, Hopkins, Milam, Tarrant, Liberty, Jefferson, Chambers, Hardin, Archer, Baylor, Oldham, Wheeler, and the unorganized counties attached to them, and Angelina; *provided*, that these exemptions from the operation of this law shall not apply to articles 423, 424 and 425; *provided*, that the counties of Fort Bend, Waller, Wharton, Grimes, Brazos, Angelina, Van Zandt, Polk, San Jacinto, Walker, Tyler, Trinity, Throckmorton, Parker, Jack and Young are hereby exempted from the provisions of this act; *provided further*, that the county of Houston is hereby exempted from the provisions of articles 424, 426, 426½, 427, 428 and 429 of this act.

SEC. 3. Whereas, the game laws now in force are wholly inadequate to protect the game of this State from cruel and wanton destruction, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring a bill to be read on three several days be suspended, and that this bill take effect and be in force from and after its passage.

Approved March 15, A. D. 1881.

Takes effect from passage.

**CHAPTER XXXIX.**—An act to amend article 1974, and to establish articles 1802a and 1822a of the Revised Civil Statutes of the State of Texas, concerning the estates of deceased persons.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article 1974 of the Revised Civil Statutes of the State of Texas be amended, and that there be known in said statutes articles 1802a and 1822a, concerning estates of deceased persons, to read as follows, to-wit:

"Article 1974. Executors and administrators may be removed by the county judge on his own motion, or on the complaint of any person interested in the estate, after being cited to answer such motion or complaint at a regular term of the court, in the following cases:

"1. When there shall appear sufficient grounds to believe that they have misapplied, embezzled or removed from the State the property, or any part thereof, committed to their charge, or that they are about to misapply, embezzle or remove from the State any of such property.

"2. When it is proved that they have been guilty of gross neglect, or mismanagement in the performance of their duties as such executors or administrators.

"3. When they fail to obey any order of the court consistent with this title, made in relation to the estate committed to their charge.

"4. When an executor or administrator becomes of unsound mind, or from any other cause is incapable of performing the duties of his trust.

"5. When they fail to make an annual exhibit fully showing the condition of the estate they represent, or fail to make to the court any exhibit they are required to make by law.

"6. When they fail to make a final settlement for three years after the grant of letters, unless the time be extended by the court, after satisfactory showing being made under oath."

"Article 1802a. When the probate docket is taken up, it shall be disposed of with dispatch, without an adjournment of the court for more than three days at any one time; and, in case of such adjournment, the reason therefor must appear upon the minutes."

"Article 1822a. Executors and administrators shall be required to make annual exhibits under oath, fully showing the condition of the estate; they shall be required to make final settlement of the estates they represent within three years from grant of letters, unless the time be extended by the court after satisfactory showing being made under oath; and upon failure in either case, shall be removed as provided in article 1974.

Approved March 15, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XL.**—An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article 1081 of the Code of Criminal Procedure of this State shall hereafter read as as follows:

"Article 1081. Each juror who serves in the trial of any criminal case in any court having criminal jurisdiction, or who has been sworn as a juror for the term or week, shall receive two dollars for each day and for each

fraction of a day he may serve or attend as such juror; *provided*, that this provision shall not extend to mayors' and recorders' courts taking cognizances of offenses against municipal ordinances; *provided further*, that jurors in justices' courts who serve in the trial of criminal cases in such courts, shall receive fifty cents in each case they may sit as jurors; *provided*, that no juror in such courts shall receive more than one dollar for each day or fraction of a day he may serve as such juror."

SEC. 2. Justices of the peace shall report to the county clerk, on the first Monday in each month, the names of the persons who have served as jurors in his court for the preceding month, and the number of days and fractions of days that they have served respectively, and the number of cases in which they have served respectively on each of said days or fractional days; and it shall be the duty of the county clerk to issue his warrant against the county treasurer in favor of each of the persons so serving as jurors. Every justice failing to make and file such report shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five nor more than two hundred and fifty dollars.

SEC. 3. Whereas, the present law entails upon citizens of the State services burdensome, and in many instances unremunerated, and thereby creates an imperative public necessity and an emergency for the immediate passage of this act, it shall therefore take effect and be in force from and after its passage.

Approved March 15, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XLI.**—An act to procure from the publishing house owning the copyright, certain volumes of the early reports of the supreme court of the State, and to make an appropriation therefor.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the secretary of state be and he is hereby authorized to purchase from the publishing house owning the copyright, three hundred copies, for the use of the State, of each of the volumes of Decisions of the Supreme Court of Texas, now out of print, or needed by the State, at a price not to exceed four dollars per copy, and the sum of twelve thousand dollars is appropriated to carry out the provisions of this bill.

SEC. 2. That the character of work, binding, style of type, weight and quality of paper, shall be as in volume 52 of the Texas Reports.

SEC. 3. Whereas, a number of the counties in this State have never been furnished with complete sets of Supreme Court Reports of Texas, and whereas, it is important that such counties should be furnished with full sets of said reports, therefore, an imperative necessity and emergency exists that this bill should be in force from and after its passage, and it is hereby so enacted.

Approved March 15, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XLII.**—An act to diminish the civil and criminal jurisdiction of the county courts of Grimes, Montgomery and Karnes counties, and to conform the jurisdiction of the district courts of said counties to such change.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the county courts of the counties of Grimes, Montgomery and Karnes shall have and exercise the general jurisdiction of probate courts, shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis* and common drunkards; grant letters of testimony and of administration; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors, as prescribed by law; and to issue all writs necessary to the enforcement of their jurisdiction, and to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the State; but said county court shall have no other jurisdiction, civil or criminal.

**SEC. 2.** That the district courts of said counties of Grimes, Montgomery and Karnes shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which by the general laws of the State the county courts of said counties would have jurisdiction, except as provided in section 1 of this act, and that in all cases other than probate matters, and such as are provided in section 1 of this act, be and the same are hereby transferred to the district courts of said counties; and all writs and process, civil and criminal, heretofore issued by or out of said county courts, other than those pertaining to matters over which by section one (1) of this act jurisdiction is given to the county courts of said counties, be and the same are made returnable to the next term of the district courts in and for said counties.

**SEC. 3.** That the clerk of the county courts of Grimes, Montgomery and Karnes counties, be and he is hereby required within twenty days after the passage of this act to make a fair and complete transcript of all the entries on the docket of said county courts, civil and criminal, theretofore made in causes which by section (2) two of this act are transferred to the district courts of said counties, and file the same, together with the original papers of all said causes and proceedings, with the clerks of the district courts of said counties; and all such cases shall immediately be docketed by the clerks of the district courts of said counties, and shall stand on the dockets of said district courts as appearance cases for the next term of said courts; and for each of said transcripts the county clerks shall receive twenty per cents per hundred words, and fifty cents for a certificate thereto, to be taxed as costs against the party cast in the suit, if a civil suit, and if a criminal cause, against the defendant, if convicted.

**SEC. 4.** That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

**SEC. 5.** The near approach of the close of the session of the Legislature, and the burdens now imposed upon the citizens of Grimes, Montgomery and Karnes counties, on account of the cost and number of the county courts now held in said counties creates an imperative public necessity, and an emergency exists demanding that the constitutional

rule requiring a bill to be read on three several days be suspended and this bill take effect and be in force from and after its passage, and it is so enacted.

Approved March 15, A. D. 1881.

Takes effect from passage.

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CHAPTER XLIII.—An act to prescribe the times of holding the district courts in the counties of the thirteenth judicial district.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the district court in the counties composing the thirteenth judicial district shall be holden as follows: In the county of Freestone on the first Mondays in February and September, and may continue in session four weeks; in the county of Navarro on the first Mondays in July and December, and may continue in session eight weeks; in the county of Limestone on the fourth Mondays after the first Mondays in February and September, and may continue in session eight weeks.

SEC. 2. That all writs and process issued and made returnable to the terms of said courts under the law in force at the issuance thereof, shall be returned to the terms of said courts as herein prescribed, and shall be as valid as if no change had been made in the return day thereof.

SEC. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 4. The frequent and unnecessary terms of courts now held in said counties creates an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 15, A. D. 1881.

Takes effect from passage.

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CHAPTER XLIV.—An act to amend articles 111 and 112 of chapter 5 of an act entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed at the regular session, A. D. 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That articles 111 and 112, in chapter 5 of the Penal Code of the State of Texas, shall hereafter read as follows:

"Article 111. Article 110, in chapter 5 of the Penal Code of the State of Texas, shall not be construed so as to effect [?] any civil remedy to enforce the collection of taxes.

"Article 112. Any person prosecuted under article 110 of the Penal Code of the State of Texas shall have the right at any time before conviction to have such prosecution dismissed upon payment of the tax, and all costs of said prosecution, and procuring the license to pursue or follow the occupation for the pursuing which, without license, the prosecution was instituted, and no prosecution shall be commenced against any person after the procuring said license, notwithstanding they may have followed such occupation, calling or profession before procuring said license; *provided*, said license shall cover the time said person has actu-

ally followed said occupation, calling or profession. The county clerk shall be entitled to ten cents for issuing the license, to be paid by the person to whom it is issued.

Approved March 15, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XLV.—An act granting a land certificate of twelve hundred and eighty (1280) acres to each of the surviving soldiers of the Texas revolution, and the surviving signers of the declaration of Texas independence, and to the surviving widows of such soldiers and signers, and to the widows of those who fell at the Dawson massacre; and to repeal an act, approved April 26, 1879, entitled "an act granting a land certificate of six hundred and forty acres to each of the indigent veterans who was engaged in the struggle for Texas independence prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876."

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and is hereby authorized and required to issue, subject to the provisions hereinafter specified, to each of the surviving soldiers who served in the war between Texas and Mexico, in the army of the Republic of Texas, at any time between the commencement of the revolution in 1835, and the first day of January, 1837, who served for three months in such war, and received, or was entitled to receive, a bounty warrant therefor, and to each of the surviving signers of the declaration of the independence of Texas, made at the town of Washington on the second day of March, 1836, and to each of the surviving widows of any such soldiers or signers who remains and has always been unmarried since the death of such soldier or signer, and to the widows of those who fell at the Dawson massacre, a land certificate, in his or her name, for twelve hundred and eighty (1280) acres, which may be located as headright certificates upon any of the public domain, and patented, as in other cases; and the said certificate, and the land located by virtue thereof, shall be exempt from forced sale so long as it shall remain the property of the grantee in said certificate; *provided*, that the commissioner shall charge no fees for the issuance of such land certificate and patent.

SEC. 2. Any person mentioned in the first section of this act, who has already received a land certificate of six hundred and forty acres, as an indigent veteran under the provisions of an act approved April 26, 1879, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent veterans who was engaged in the struggle for Texas independence, prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876," shall only be entitled to receive in addition thereto, a land certificate for six hundred and forty acres under the provisions of this act.

SEC. 3. Any person applying for a land certificate under the provisions of this act, shall make proof by their own affidavit and the testimony of at least two reliable witnesses, taken before the judge of the county court of the county in which such person resides, of all the facts necessary to entitle such person to such land certificate under the first section of this act; and if such application is made by any such surviving soldier, he shall prove: 1st, that such service was rendered; 2d

at what time he entered such service, and at what time he was discharged therefrom; 3d, of what company and regiment he was a member at the time such service was rendered, and who were the commanders of such companies or regiments; 4th, that he is the identical person who rendered such service; and if such application is made by any such surviving widow, as mentioned in the first section of this act, she shall prove: 1st, that she is the surviving widow of such soldier or signer; 2d, that such soldier and signer rendered such service in full compliance with the foregoing provisions of this act; 3d, the date of the death of such soldier or signer, and that they were living together as husband and wife at the date of such death; 4th, that she remains, and has always been, unmarried since the death of such soldier or signer: which said proof the said county judge shall cause to be reduced to writing, and signed and sworn to by such witnesses, and attested by the clerk of said court under his seal of office; and the said county judge shall attach thereto his own certificate, stating his opinion and belief as to the validity of such claim.

SEC. 4. That when each application and proof and certificate of the county judge shall be filed in the office of the commissioner of the general land office, it shall be his duty to carefully examine the same, together with such other testimony as may be offered, in connection with the pension rolls and other archives of his office; and in every case such commissioner, before issuing any land certificate under the provisions of this act, shall be fully satisfied that the claim is valid, that the proof is sufficient, and that there is no evidence of fraud committed, or attempted to be committed, upon the State; and in every case where such commissioner has grounds to believe, or shall be advised that such claim is fraudulent, it shall be his duty to suspend the issuance of such land certificate, and to certify said cause to the county attorney of the county where such applicant resides, and if there be no county attorney, then to the district attorney of the district in which said applicant resides, whose duty it shall be to examine rigidly into such case, and ferret out such fraud.

SEC. 5. Before any benefit shall inure to any person under the provisions of this act, a certificate shall be produced by a board of three surviving veterans of the revolution or 1836, who shall be appointed by the governor, and one of whom shall be the president of the Veterans Association, stating that they know of their own knowledge, or are satisfied from the evidence, that the applicant is entitled under the provisions of this act to its benefits.

SEC. 6. *Be it further enacted*, That the act approved April 26, 1879, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent veterans who was engaged in the struggle for Texas independence prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876," and all other laws in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 7. The near approach of the close of the session, and the fact that many veterans are now suffering for want of some aid from the State, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved March 15, A. D. 1881.

Take effect ninety days after adjournment.



**CHAPTER XLVI.**—An act authorizing and requiring owners of lands between the Nueces and Rio Grande rivers, under grants or titles thereto from the former governments, which were recorded in the respective counties before the adoption of the present constitution, to deposit and archive the same in the general land office.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That all owners of lands between the Nueces and Rio Grande rivers, under grants or titles from the former government, which grants or titles are such as are described in section four of article thirteen of the present constitution, and have been, previous to the adoption of this constitution, recorded in the respective counties where the land is situated, but have not yet been deposited or archived in the general land office of this State, be and they are hereby authorized and required to deposit and archive said grants or titles in said general land office; and *provided further*, that such titles when so archived shall be subject to all defenses and objections that they otherwise would have been if not so archived, and said act of archiving invest said titles with no greater validity than they before had as titles recorded in the proper county, and the commissioner of the general land office is hereby authorized and required to receive the same as archives of said office.

**SEC. 2.** The near approach of the close of the present session of the Legislature and the fact that no provision exists for the relief herein provided to the owners of the said titles, creates an imperative public necessity for the suspension of the constitutional rule, which requires that all bills be read on three several days, said rule is therefore suspended, and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved March 16, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XLVII.**—An act to amend article 1054, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article 1054 be so amended as to hereafter read as follows, to-wit:

"Article 1054. To the sheriff or constable shall be allowed the following fees in all cases of felony where the defendant has been convicted or acquitted, or where the prosecuting attorney has entered a *nolle prosequi*, or where the defendant has died before trial:

"1. For executing each warrant of arrest or *capias*, or making arrests without warrant, the sum of one dollar.

"2. For summoning or attaching each witness, fifty cents.

"3. For summoning jury, two dollars.

"4. For executing death warrant, fifty dollars.

"5. For removing a prisoner for each mile going and coming, including guards and all other expenses, when traveling by railroad, fifteen cents; when traveling otherwise than by railroads, twenty-five cents. For each mile he may be compelled to travel in executing criminal process, summoning or attaching witnesses, five cents. For traveling in the service of process, not otherwise provided for, the sum of five cents for each mile going and returning. If two or more persons are mentioned

in the writ, he shall charge for the distance actually and necessarily traveled in the service of the same.

"6. For conveying a witness attached by him to any court out of his county, his actual necessary expenses by the nearest practicable public conveyance, the amount to be stated by him under oath, and approved by the judge of the court from which the attachment issued, such account to become due when so approved, and the sheriff's or constable's return shall in every instance show the time and place of service.

"7. For attending a prisoner on *habeas corpus*, where such prisoner is charged with felony, for each day two dollars, together with mileage as above when removing such prisoner out of the county under proper authority."

Approved March 17, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XLVIII.**—An act to detach fifty-three hundred and thirty-four acres from Hill county, and attach the same to Johnson county, and define the lines between said counties.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That so much of the territory of Hill county as is contained in the territory hereinbelow set out be and the same is hereby detached from Hill county and attached to Johnson county, Texas: Beginning at the southeast corner of the William Kinney 320 acre survey, lying north and adjoining Kendall's Bend on the Brazos river; thence with said William Kinney's east boundary line, north 30 degrees west, to Hill and Johnson county line; thence in a westerly direction with said county line to the Brazos river to the northwest corner of Hill county; thence down the Brazos river with its meanders with the Hill county line to the lower corner of the said William Kinney's survey; thence north 60 degrees east with the said William Kinney's survey to the place of beginning. The above described territory contains fifty-three hundred and thirty-four acres, and embraces the following surveys: Mark M. Ridley, 500; A. J. Gilbert, 400; Thos. Larrison, 640; H. P. Moses, 230; C. B. Roberts, 640; J. Crouch, 320; L. N. West, 320; Thos. Russell, 1474; M. A. Johnson, 180; B. S. Jenkins, 320; William Kinney, 320—5334.

Approved March 17, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XLIX.**—An act to provide for the organization of the State Penitentiaries and for the more efficient management of the same.

#### THE PENITENTIARY BOARD AND ITS DUTIES.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the governor, state treasurer and the superintendent of the State penitentiaries, are hereby created and constituted a board, to be styled "The Penitentiary Board." Two members thereof shall constitute a quorum for the transaction of business, and have power to carry any proposition, or make any act binding.

SEC. 2. That the said board shall have the general management and control of the State penitentiaries and other State penal institutions, established or to be established, and of all State convicts, whether within or without the walls of said institutions. It shall approve and make all contracts for the building of any new penal institutions, and for any additions, repairs and improvements necessary to be made in connection with the penitentiary or convict system of this State, on the terms prescribed by law, if any, or, in the absence thereof, on such terms as it may consider for the best interests of the State. It shall have power to purchase, or cause to be purchased, any lands, buildings, machinery, apparatus, tools, etc., necessary for the use, preservation and operation of the penitentiaries or other penal institutions, to the end that the largest number of State convicts that can be profitably employed and comfortably accommodated therein, may be confined and worked within the walls as soon as practicable; *provided*, that no contract for improvements or purchase be made, unless an appropriation shall have been made therefor, except as hereinafter provided.

SEC. 3. Said board shall have power to appoint an architect to make examinations and estimates, and draw plans and specifications of buildings or other improvements to be made, and to perform such other duties as may be prescribed by said board, and he shall be entitled therefor to five dollars per day for the time employed, and his actual traveling expenses, to be approved by the board, the same to be paid out of such funds as may be appropriated, or if no appropriation has been made, then if the services have been performed in connection with the penitentiaries, then out of any penitentiary fund available for the purpose.

SEC. 4. It shall be the duty of said board to make contracts for the transportation of convicts from the counties where sentenced, or confined after sentence, to the penitentiaries or other penal institutions, under such regulations as may now or hereafter be prescribed by law, unless by the terms of any lease the lessees contract to receive them at the county jails.

SEC. 5. The board shall have power to condemn useless, injured or worn-out property of any description in or about the penitentiaries belonging to the State, and cause the same to be destroyed or sold, and if in any lease said property has been inventoried to any lessees, they shall receive credit for the same; *provided*, it was useless, injured or worn out when received.

SEC. 6. The governor may, with the concurrence of said board, at any time within two years next before the expiration of any lease of the penitentiaries, or either of them, make another lease, subject to the provisions hereinafter contained, under which contract of lease the property and convicts leased shall be delivered at the expiration of the existing lease, whether it expires by limitation, forfeiture or by agreement between the penitentiary board and the lessees. The governor and the board shall have power to rescind by agreement a contract of lease, when the interests of the State will be benefited thereby.

SEC. 7. The board may at any time issue such orders, and prescribe such rules and regulations for the government of the penitentiaries, not inconsistent with law, as they may deem proper, in order to supply any defect in the general law, in regard to prison management and discipline, and to provide for such details as are not embraced therein, and for such contingencies as may at any time arise concerning the management of the penitentiaries and their proper and successful operation, and such

rules and regulations shall be made with the view to carry out the general principles on which the penal laws are founded, and the design for which the penitentiary system is established, and shall be binding upon all officers of penitentiaries, under-officers, lessees, employes, and all persons whatsoever in any way connected with the penitentiaries or their management, or with the convicts either within or without the walls thereof.

SEC. 8. The board shall have all laws, rules, regulations and by-laws printed in pamphlet form, for the information and guidance of all connected with the management of the penitentiaries or convict labor, and such parts of said rules as refer to the duties of subordinate officers and convicts shall also be printed in suitable form and posted in conspicuous places about the prisons, for the information of all concerned.

#### THE SUPERINTENDENT AND HIS DUTIES.

SEC. 9. In order that there may be a more efficient supervision of the penitentiaries, and a uniformity in the management of the same, and of the discipline and general treatment of the State convicts, whether confined within or without the walls, the governor shall appoint, by and with the advice and consent of the Senate, a superintendent of penitentiaries, who shall hold his office for the term of two years, and until the appointment and qualification of his successor. In case of a vacancy in said office, the same may be filled by executive appointment for the unexpired term.

SEC. 10. The superintendent of penitentiaries shall reside and have his office at such place as may be designated by the penitentiary board. He shall have a general supervision and control over all penitentiaries established or to be established in the State, over the discipline, management, treatment and control of all convicts who may be imprisoned in said penitentiaries, or who may be operated outside the walls thereof, and over all officers, overseers and guards connected therewith. He may assign convicts to such penitentiary or camp as he may deem proper; *provided*, that in case of a lease of the penitentiaries, or any one of them, or of the convicts, or any number of them, such control shall not extend to the labor of the convicts, except as may be provided by law, or by the terms of contract; nor shall he nor any other officer do anything calculated in any manner to interfere with the rights of the lessees under their contract.

SEC. 11. The superintendent, as the principal executive officer of the penitentiaries, shall have all powers necessary to a discharge of his duties, subject to the restrictions imposed on him by law. He may designate such number of under officers, keepers, guards, etc., to be appointed by the assistant superintendents and inspectors, with his approval, if not provided for in the rules, as he may deem necessary for the safe-keeping of the convicts, or for the maintenance of discipline, and he may discharge any under officer or employe for official misconduct, or whenever, in his judgment, the public interest shall so require.

SEC. 12. The superintendent shall at all times have access to the penitentiaries and other places where convicts are employed, and shall, unless otherwise officially engaged, make a thorough inspection of each penitentiary at least once per month, and of each convict camp twice per year, and oftener if practicable. He shall carefully examine into any and all complaints, whether made by officers, under-officers, lessees, convicts, or citizens, and, unless any complaint is found to be groundless, he shall take

such action as may be necessary to correct and prevent a recurrence of the same. When it is found that any assistant superintendent, inspector, chaplain, physician or lessee has been guilty of any serious official or other improper conduct, he shall report the facts thereof to the governor and penitentiary board for their action. Any officer of the penitentiary, under-officer, lessee or convict has a right, and it shall be his duty to report to the governor any official misconduct of the superintendent, or any cause of complaint whatever against him.

SEC. 13. The superintendent, in the discharge of his duties, is authorized to administer oaths, to summon and examine witnesses, and to take such other steps as he may deem necessary to ascertain the truth in respect to any matter about which he has a right to inquire. He shall examine and audit all accounts connected with the penitentiary in which the State sought to be charged, and administer oaths to all parties presenting claims, and, to authenticate his acts, may use the seal of either penitentiary; *provided*, he shall not approve any claim for the transportation of convicts to the penitentiary, unless the same be sworn to and accompanied by the proper commitment papers, and unless satisfied that all the prerequisites of the law have been complied with.

SEC. 14. He shall make a monthly report to the governor, as president of the penitentiary board, showing fully the condition and treatment of the convicts, and the changes in the prison population during the month. He shall at the time furnish to the governor, to the comptroller and to the lessees a statement showing the amount due the State on account of the leasing of the penitentiaries or hire of convict labor. He shall, from time to time, make such suggestions to the penitentiary board as he may deem advisable relative to any improvements or changes in the plans of the penitentiaries or management. It shall be his duty, on or before the first day of November next preceding the regular session of the Legislature, to make a report to the governor, as president of the penitentiary board, in regard to the government, discipline, condition and management of the penitentiaries and convicts, showing the changes in prison population, the places where convicts are employed and occupations in which engaged, their moral, intellectual and physical condition, and such other matters as may seem pertinent or as may be required by the rules, the governor, or penitentiary board.

SEC. 15. The superintendent shall keep the records of all matters pertaining to the penitentiaries generally, and shall keep a register of all convicts belonging to the penitentiaries, whether within or without the walls of the penitentiaries, showing the registered number and name of each convict, giving *aliases* if any, age, height, complexion, color of hair and eyes, marks on person, sex, nativity, residence, county where convicted, date of sentence, date of receipt, previous occupation and habits, if known. He shall keep, as far as practicable, a record of the general condition and conduct of each convict, noting all punishments, forfeitures for bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that full and correct records may be kept, he may require from all officers such monthly and other reports as he may deem proper. He shall issue discharges to such convicts as are entitled thereto by expiration of term or otherwise.

SEC. 16. During the absence of the superintendent from his office, he may designate some proper person to perform his clerical duties.

## ASSISTANT SUPERINTENDENT.

SEC. 17. The governor shall appoint, by and with the advice and consent of the Senate, an assistant superintendent for each penitentiary now or hereafter to be established or organized, who shall hold his office for the term of two years, and until the appointment and qualification of his successor. In case of a vacancy in said office, the same to be filled by executive appointment for unexpired term; *provided*, that the governor shall make no appointment to said office until such time as the penitentiary board may deem that there is a necessity therefor.

SEC. 18. The assistant superintendent shall have the immediate supervision and control over the penitentiary for which he is appointed, and over all convicts confined therein, and over all officers, overseers and guards and employes connected therewith. He shall be responsible for the discipline of the prison, and the manner in which it is enforced. He shall appoint the under-officers, overseers and guards of the prison, subject to the approval of the superintendent, and may remove the same; *provided*, that when the penitentiary is leased his control shall not extend to the labor of the convicts, except as herein prescribed; nor shall he exercise his power of appointment when the terms of the lease require the lessees to appoint, though he may discharge any under-officer or employe for misconduct or failure to perform duty.

SEC. 19. An assistant superintendent shall have such powers as are necessary for a proper discharge of his duties, subject only to the law and the instructions of the superintendent and penitentiary board. He shall, if practicable, reside within the penitentiary, and shall not absent himself therefrom unless upon business connected with the duties of his office, or with the permission of the superintendent or governor. During his absence the under-keeper shall act in his stead.

SEC. 20. The assistant superintendent shall visit, frequently, the prison hospital, the cells, shops and other places in and near the penitentiary where the convicts may be, and shall see that they are humanely and properly treated, and shall give prompt attention to all complaints made by a convict in regard to his health, general condition, treatment, or against any officer, employee or lessee of the penitentiary; he shall see that the convicts are properly clothed, fed and taken care of in sickness and health; that the prison buildings, cells, shops and premises are kept in a neat, clean and healthy condition, and he shall frequently, at suitable times, converse in a kindly manner with the convicts under his charge, and use his best endeavors to produce in them a spirit of reformation.

SEC. 21. The assistant superintendent shall keep the records of the penitentiary of which he has charge, similar to those heretofore required to be kept by the superintendent. He shall keep a record of the conduct of each convict under his charge, noting all punishments and charges of misconduct. He shall, on the first of each month, make a report to the superintendent, on blanks to be furnished him, the number, names and description of all new convicts received by him during preceding month, with other changes in prison population; the names of those who have been sick, and the names of those punished, or whose conduct has been bad. He shall make such other reports as required by the rules, the superintendent or the governor. He shall make such biennial reports as may be required, to the superintendent, to be forwarded by him to the governor.

SEC. 22. He shall receive and receipt for all convicts that may be brought to the penitentiary, in accordance with law. He shall examine

and pass upon all accounts connected with the penitentiary under his charge, before submitting them to the superintendent for his approval. He must require all accounts to be sworn to; and he is authorized to administer oaths in all matters connected with the penitentiary and its management, and to all parties presenting claims as above mentioned, and for this purpose he shall be provided with a seal of office, whereon shall be engraved in the center a star of five points, and the words "State Penitentiary, \_\_\_\_\_, Texas," around the margin, the blank to be filled with the name of the place where the penitentiary is located, with which seal he shall authenticate all his official acts.

SEC. 23. He shall perform such other duties as may at any time be prescribed by the rules of the penitentiary board.

#### INSPECTORS AND THEIR DUTIES.

SEC. 24. The governor shall appoint, by and with the advice and consent of the Senate when in session, two officers, to be styled "Inspectors of Penitentiaries," who shall hold office for the term of two years, and until the appointment and qualification of their successors; *provided*, that one or both the inspectors, who may at any time be appointed, may be discontinued when, in the opinion of the penitentiary board, the duties required are not sufficient to require the services of one or both of them.

SEC. 25. Inspectors have the immediate supervision of convicts and officers in charge of them at camps and other places outside the walls of the penitentiaries. It shall be the duty of the superintendent, with the assistance of the inspectors, to divide the convict camps, or places where convicts may be employed outside the walls, into two divisions, and assign one inspector to each division, but they may exchange work or divisions with each other at pleasure.

SEC. 26. The superintendent shall, from time to time, furnish the inspectors with a list of the convicts in each force in their respective divisions. Each inspector shall visit, at least once in each month, or oftener if required by the superintendent or penitentiary board, each convict camp or place of employment. He shall see that the convicts charged to each force are on hand, and if not, he must inquire and report the cause of absence. When a convict has died, he shall investigate into the cause of his death, and what nursing and medical attention were given him when sick. If a convict has escaped, he shall investigate fully, so as to fix the blame, if any, where it properly belongs. He shall make strict inquiry as to the treatment of convicts at outside camps, and as to whether the law and the rules are substantially complied with in their guarding, clothing, feeding and work; also as to whether the prison is secure, comfortable and kept clean. He shall specially notice the punishments inflicted, and whether legal and necessary.

SEC. 27. The inspection of each camp or force shall be through and searching, and the inspector shall examine into all complaints preferred by a convict, officer or others, and if there be any ground for complaint, he shall take immediate measures for the correction of the abuse. For this purpose, and any other connected with the management of outside convict forces, he is authorized to administer oaths, summon and examine witnesses, and take such other steps as he may deem necessary, to ascertain the truth. In case of illegal punishment, cruelty or abuse of a convict by any person, he may take such action as may be proper and necessary to bring the offender to justice.

SEC. 28. The inspector shall report to the superintendent, once in each month, showing the management, condition, discipline and treatment of convicts in his division; how they have been fed and clothed during the month, and shall report the names and number of convicts who have escaped or died, the number sick, illegal punishments and abuses, and and all other matters about which he has a right to inquire. They shall make such other reports as may be required.

SEC. 29. The inspector has the right to remove any under-officer in charge of convicts in his division, for incompetency, violation of law or failure to discharge his duty.

SEC. 30. The authority herein given to inspectors shall be exercised in conformity with law, and such regulations as may be established by the penitentiary board, and then only in correcting abuses and removing complaints, where convicts are employed outside the prison walls.

SEC. 31. The present assistant superintendents may be continued by the governor as inspectors without making new appointments.

#### THE PHYSICIAN AND HIS DUTIES.

SEC. 32. The penitentiary board shall appoint for each penitentiary, when organized, a physician, who shall hold his office for two years, unless sooner removed by said board, and perform such duties as may be required by the board in addition hereto.

SEC. 33. The physician shall visit the penitentiary daily, and as much oftener as may be necessary, for the purpose of ascertaining the health of the convicts and giving proper medical attention to such as may require it. He shall attend immediately upon any case of sickness in the prison, when notified thereof, and he shall, when required, examine any convict as to his physical ability to perform work at which it is proposed to place him, and report result to the assistant superintendent.

SEC. 34. He shall notify the assistant superintendent when, on account of ill health, it may be deemed advisable to remove a convict from the penitentiary to some healthier locality, and he shall cause any convict with a contagious or infectious disease to be removed to some place to prevent the spread of such disease.

SEC. 35. Nurses may be employed by the physician, with the approval of the assistant superintendent, in serious cases of sickness or epidemics.

SEC. 36. A convict afflicted with serious illness or dangerous disease, shall not, in such condition, be discharged from the penitentiary, except upon his own request, although his time of imprisonment may have expired.

SEC. 37. He is specially charged with the sanitary regulations of the penitentiary, and shall make frequent inspections and use all precautions to keep the prison healthy, and prevent the introduction and spread of epidemic or contagious diseases.

SEC. 38. The physician shall keep a journal in which he shall enter the name of each convict treated by him or under his direction, noting duration of sickness, disease, treatment, date of discharge from hospital, or treatment, with such other entries as he may deem important, which journal shall, at all times, be open to the inspection of the assistant superintendent and the superintendent.

SEC. 39. He shall make such reports as required by the governor, penitentiary board, or superintendent. He shall make a biennial report to accompany that of the assistant superintendent, in which he shall state the number of cases of sickness during the two preceding years, diseases,



number of deaths and diseases with which they died, the number and character of surgical operations performed, such suggestions as he may deem important to the improvement of the sanitary condition of the prison; also any facts or incidents that he may deem of general interest or of benefit to science.

#### THE CHAPLAIN AND HIS DUTIES.

SEC. 40. The penitentiary board shall appoint a chaplain for each penitentiary, when organized, who shall hold his office for two years, unless sooner removed by them.

SEC. 41. The chaplain shall preach at least once every Sunday to the convicts, and shall establish such associations, Sabbath schools and other schools for the benefit of the convicts, as he may deem proper, having due regard to the rules of the prison and being careful not to conflict in any manner with the discipline of the prison and the regular hours for labor.

SEC. 42. He may, at convenient times, visit convicts during their hours of license, during week days, and also in the hospital and at their cells, and administer to all such advice and consolation as he may deem best calculated to promote reformation. He must, at all times, impress upon them the necessity of a strict compliance with prison rules. He must use his best endeavors on all occasions to inculcate in them sound principles of religion and morality, but he shall not, in his conversations or discourses, discuss doctrines merely sectarian, but shall teach such principles of religion and morality as are common to all christian churches.

SEC. 43. By permission of physician, he may visit sick convicts, and shall always be admitted to the beside of any convict in a dying condition.

SEC. 44. Preachers, ministers and priests of all religious denominations shall, by the consent of the superintendent, assistant superintendent or chaplain, have access to the penitentiaries, and may at any seasonable time be allowed to preach to the convicts. A convict shall, at all proper times, be permitted to receive visits from, and hold converse with any preacher, minister or priest he may desire to see.

SEC. 45. The chaplain shall be *ex-officio* librarian of the penitentiary, and perform such other duties not herein prescribed, as the rules may require.

#### THE UNDER OFFICERS AND EMPLOYES.

SEC. 46. The assistant superintendent of each penitentiary shall appoint, with the approval of the superintendent, such number of under-officers as may be necessary to preserve discipline and prevent escapes; *provided*, no person under twenty-one years of age shall be employed as a guard; *and provided*, that during the present lease the lessees have the right under their contract to appoint under-officers and guards, but subject to removal by the superintendent, assistant superintendent or inspectors, for inefficiency or misconduct.

SEC. 47. All under-officers and employes shall be subject to the orders of the assistant superintendent, and shall, in all things, comply with his directions. Any complaint of ill treatment toward them on his part may be made to the superintendent, who shall inquire into the same and take such action as the facts may seem to demand.

SEC. 48. When the penitentiaries are being operated on State account the superintendent, under the direction of the State board, may employ

such number of skilled workmen or other employes as may be deemed essential to their successful operation and to the pecuniary interest of the State.

SEC. 49. Under-officers and employes shall, after the termination of the present lease, receive such compensation for their services as the penitentiary board may prescribe (the maximum amount of such compensation to be fixed by said board before another lease is made), to be paid in such manner as may be prescribed by the board.

#### THE TREATMENT OF CONVICTS, AND GENERAL PROVISIONS.

SEC. 50. The various provisions of this act are designed to secure to the convicts humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties, and a strict observance of the discipline, rules and regulations of the prison.

SEC. 51. The convicts shall all be treated with humanity; but a distinction may be made in their treatment so as to extend to such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The rewards to be bestowed upon convicts for good conduct shall consist of a relaxation of strict prison rules, shall consist of an extension of social privileges, permission to read and write, and such other privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct may be granted by the superintendent as follows: For each month in which no charge of misconduct is sustained or charged, first year two days per month, twenty-four days per year; second year, three days per month; third year, four days per month; fourth year, five days per month; fifth year, six days per month; sixth year, seven days per month; seventh year, eight days per month; eighth year, nine days per month; ninth year, ten days per month; tenth year, and all succeeding years, fifteen days per month. For each sustained charge of misconduct the commutation for one month in that year to be forfeited; and for any mutinous conduct, conspiracy or escape, or attempt to escape, all good time made to that date to be forfeited. For extra meritorious conduct on the part of any convict, he shall be recommended to the favorable consideration of the governor for increased commutation or pardon.

SEC. 52. The punishments that may be prescribed by the penitentiary board shall consist of deprivation of privileges, closer imprisonment, confinement in cell on bread and water, confinement in dark cell, confinement in irons, and other punishments of like character; but a convict shall not be deprived of his food at regular hours, except as above provided. Whipping may be resorted to upon a special order in writing from the superintendent or assistant superintendent or inspector, in aggravated and particular cases, and under such rules and instructions as may be prescribed in the rules. A convict's head shall not be shaved in any instance; nor shall stocks or "horse" be used under any circumstances.

SEC. 53. Suitable clothing, substantial material and uniform make, and sufficient food of wholesome quality, shall be furnished to all, and, in order that all convicts be fed alike, as near as practicable, the rules shall prescribe the kind, quality and variety of food to be furnished. Convicts are to be allowed no spirituous, vinous or malt liquors, except upon prescription of the physician.

SEC. 54. Convicts sentenced to hard labor shall be kept at work, under such rules and regulations as may be adopted; but no labor shall be

required of any convict on Sunday except such as is absolutely necessary; and no greater amount of labor shall be required of any convict than a due regard for his physical health and strength may render proper; nor shall any convict be placed at such labor as the penitentiary physician may pronounce him physically unable to perform.

SEC. 55. Convicts who have been reported by the physician, inspector or other officer in charge, as in a condition of health which requires their removal to some other place, shall be accordingly promptly removed, but under such regulations and in such manner as will prevent escape.

SEC. 56. Convicts, when received into the penitentiary, shall be carefully searched. If money be found on the person of a convict, or received by him at any time, it shall be taken charge of by the assistant superintendent and placed to the convict's credit, and expended by him for the convict's benefit on his written order, and under such restrictions as may be prescribed by the rules. Any officer who, having charge of a convict's money, misappropriates the same or any part thereof, or who seeks to speculate on such convict, shall be removed from office.

SEC. 57. Convicts of different sexes shall be kept separate and apart. If a female convict be received with an infant child, or if any child shall be born in the penitentiary, the child shall be permitted to remain with its mother until four years of age, when it shall be provided for as may be prescribed by the penitentiary board.

SEC. 58. It shall be the duty of the assistant superintendent, inspector or other officer in charge of a penitentiary, division or convict camp or force, to have all convicts who may die while in custody decently buried, and each grave marked by a board with the name of convict, date of death, age if known, and county whence sentenced, inscribed thereon.

SEC. 59. Convicts who are unable to read or write may receive instruction under such regulations as may be prescribed by the penitentiary board; and the said board may, whenever practicable to do so, employ a competent teacher for that purpose.

SEC. 60. When a convict is entitled to his discharge from prison, he shall be furnished with a written or printed discharge from the superintendent of penitentiaries, with seal affixed, giving convict's name, date of sentence, from what county, amount of commutation received, if any, and such other description as may be practicable. He shall be furnished with a plain suit of citizen's clothing, five dollars in money, and railroad transportation to nearest depot to county seat from whence sentenced, not to exceed fifteen dollars; but if convict prefers, he may receive transportation tickets for same distance in some other direction.

#### SALARIES OF PENITENTIARY OFFICERS.

SEC. 61. The superintendent of penitentiaries shall receive an annual salary of twenty-five hundred dollars, to include his traveling expenses.

SEC. 62. The assistant superintendents shall each receive an annual salary of fifteen hundred dollars, and no more.

SEC. 63. The inspectors shall each receive an annual salary of two thousand dollars, and no more, to include traveling expenses.

SEC. 64. The physicians of the penitentiary shall each receive an annual salary of seven hundred and fifty dollars, and no more.

SEC. 65. The chaplains of the penitentiary shall each receive an annual salary of three hundred dollars, and no more.

## VISITS TO THE PENITENTIARIES.

SEC. 66. The governor and all other members of the executive and judicial departments of the government, and members of the Legislature, shall be admitted into the penitentiaries at all proper hours, for the purpose of observing the conduct and operations thereof, and may hold conversations with the convicts apart from any of the prison officers.

SEC. 67. Other persons may visit the penitentiaries under such rules and restrictions as may be established.

## LEASES AND LESSEES OF THE PENITENTIARY.

SEC. 68. The system of labor in the State penitentiaries shall be by lease, by contract, by the State, or partly by one system and partly by the others, as shall be in the discretion of the penitentiary board deemed for the best interest of the State.

SEC. 69. Whenever practicable, the penitentiaries may be operated under a lease, in accordance with the regulations herein prescribed; but no lease shall be made by which the control of the convicts, except as to a reasonable amount of labor, shall pass from the State or its officers, and the management of convicts shall in all cases and under all circumstances remain under the control of the State and its officers.

SEC. 70. Each lease of the penitentiaries shall be for some definite term, not to exceed fifteen years, after public notice by advertisement in at least three newspapers in the State, and shall be executed by the governor, with the concurrence of the penitentiary board, upon such terms and conditions as said board may deem best for the public interest, special regard being had as far as practicable to the exaction of the penalty imposed by law on each convict, and to the protection, well-being and humane treatment to which a convict is entitled at the hands of the State; *provided*, that said board, in order to organize and put in operation the Rusk penitentiary to the end that a greater number of convicts shall be confined within the walls before the termination of the present lease, and, as soon as practicable, shall have the power to modify the terms of the present lease so as to include both penitentiaries and to extend the said lease.

SEC. 71. In case of a lease of any penitentiary, the lessee or lessees shall execute and deliver to the governor a bond in an amount to be designated by the penitentiary board, with two or more good and sufficient sureties, to be approved by said board, payable to the governor, and conditioned that the lessee or lessees shall faithfully comply with the terms of the lease, which bond shall be deposited in the office of the secretary of state.

SEC. 72. Every lease shall be subject to the approval or revocation of the first Legislature thereafter convened, and to any and all existing laws touching the penitentiaries and convicts, or any others thereafter passed; and any failure on the part of a lessee to carry out in good faith any of the terms of his lease, or to comply with any of the conditions of any bond he may have executed, shall *ipso facto* operate as a forfeiture of such lease, and the governor may so declare, and at once resume control of the penitentiary or penitentiaries, and every lease shall be subject to the reservations to the State contained in this act, whether specified in the lease or not, and the State shall not, under the guise of contract, or in any other manner, part with the right to direct how at any time and under all circumstances its convicts shall be lodged, fed, clothed, worked, guarded and treated.

SEC. 73. The penitentiary board may make and change at pleasure all rules for the discipline and punishment of convicts, and how they shall be fed, clothed, worked, guarded or instructed, and for the purpose of enforcing any regulations touching the physical capacity of convicts to perform certain kinds of labor, or regulation requiring certain convicts to be kept within the prison walls. The superintendent may require the lessees of the penitentiaries to change convicts from one kind of labor to another, and to remove them within the prison walls.

SEC. 74. Whenever a penitentiary is leased an inventory and valuation of all the materials, machinery and property of every description belonging to the penitentiary, except such reservations as the penitentiary board may direct, and except the land, shall be made by appraisers, one of whom shall be appointed by the governor and the other by the lessees, and in case of disagreement between the appraisers, they shall select an umpire. Upon completion of the appraisement and its return to the governor, under oath, the property shall be received for to the governor at its appraised value.

SEC. 75. Upon the termination of any lease, by limitation or otherwise, the lessees shall quietly and peacefully surrender and return to the State all property belonging to the penitentiary; when a like inventory and valuation shall be made of all the property belonging to the State, or to the possession of which it may be entitled under the terms of the lease. For all property returned in good order and repair the lessees shall be credited with the value thereof, as fixed by appraisement, when he received it. For all property returned, not in good order and repair, the lessees and sureties shall be charged with such amount, to be estimated by appraisers, as will be necessary to put the same in good order and repair, and for all property received from the State and not returned, the lessees and their sureties shall pay the value thereof, as fixed by appraisement when received, except that the lessees shall not pay for property destroyed by fire, or otherwise, not occasioned by the fault of themselves or their employees.

SEC. 76. The lessees shall have use of all lands, buildings, machinery, tools and other property connected with the penitentiary leased, and may make improvements and additions to the penitentiaries, with the approval of the penitentiary board, and under such limitations as may be prescribed by law, and such lessees shall be allowed a reasonable compensation for such improvements as are of a permanent nature at the expiration of the lease, the amount of such compensation to be determined by said board; *provided*, if any improvements are made by lessees with the approval and consent of said board, and the said lessees, by the terms of the lease, have to pay to the State any moneys before the termination of the lease, they shall be credited with said improvements, first, on any funds that may then be due the State; or, second, out of first moneys which may become due the State on account of said lease.

SEC. 77. Lessees shall have the right to introduce into the penitentiaries such skilled labor as they may deem proper and necessary for the efficient operation of convict labor, and to superintend and instruct the same, but such employees to be subject to the rules of the prison.

SEC. 78. The lessees shall furnish everything necessary for the support and maintenance of the penitentiary leased, including the salaries of all officers, and the compensation of under officers, to be paid as may be directed by the penitentiary board. In the execution of any lease, the penitentiary board may make such other stipulations and agreements, not

inconsistent with the provisions of this act, as it may deem to the interest of the State or essential to its protection, and such stipulations and agreements shall be binding in all respects upon the lessees, and the bond given shall be construed to extend to and include the performance of such stipulations and agreements, in the same manner as if the duties were imposed by positive law.

SEC. 79. The right to hire out convicts and to operate them outside the walls, either by the State or lessees, is expressly given, but they shall be hired out in as large forces as practicable, concentrated as much as possible, and easily accessible, so that they may be kept more secure, better provided for, and more frequently inspected.

SEC. 80. The penitentiary board may prescribe what class or classes of convicts may be hired out or put to labor outside the prison walls, and such other regulations pertaining to the same as may be deemed proper, but no convict shall be put to outside labor when his labor can be utilized within the walls; *provided*, that on the first day of January, 1882, or as soon thereafter as practicable, the penitentiary board shall provide that as many convicts as can be comfortably accommodated and profitably employed be confined within the walls of the penitentiaries now or hereafter established.

SEC. 81. The superintendent, with the governor's approval, may offer such reward for the apprehension of an escaped convict, not exceeding one hundred dollars, exclusive of expenses of delivery, as may be fixed by the penitentiary board, and to be paid as directed by the said board, the reward and expenses from either the penitentiary lease fund, or from the appropriation for the arrest of fugitive from justice.

SEC. 82. The provisions of this act shall apply to the present lease of the penitentiary at Huntsville, but shall not be construed to increase or add to the pecuniary responsibilities or obligations of the present lessees and their sureties as they stood when they executed their bond to the State.

SEC. 83. That this act is intended to take the place of all other laws in regard to the organization of the penitentiaries, and that all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 84. The fact of the near approach of the end of the session rendering it impossible to do so constitutes an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring this bill to be read on three several days, therefore the said rule is hereby suspended; and whereas it is necessary that work should be commenced at once, under the provisions of this bill, therefore an emergency exists which requires that this act take effect and be in force from and after its passage, and it is so enacted:

Approved March 17, A. D. 1881.

Takes effect from passage.

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## CHAPTER L.—An act to validate certain notarial acts in the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That all acts of notaries public appointed by authority of laws of the State of Texas, evidenced by the impress of a notarial seal having the word "Texas" engraved just over the points of the star thereon, also where the word "Texas" is engraved between the points of the star, and county of

the residence of the authenticating officer under the star; or seals having the words "..... County, Texas," instead of the "County of ....., Texas," are hereby made as valid and binding as though the word "Texas," had been engraved on the margin of the seal.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LI.—An act to authorize and empower the treasurer, with the advice and consent of the governor and comptroller, to use surplus moneys that may be at any time in State treasury belonging to the general fund for the purchase and retirement of outstanding bonds of the State.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the treasurer be and is hereby authorized and empowered, with the advice and consent of the governor and comptroller, to use such surplus moneys belonging to the general fund as may at any time be in the treasury in excess of all current appropriations against the same, and the further sum of seventy-five thousand dollars for the purchase and retirement of any of the outstanding bonds of the State, upon such terms as may be deemed advantageous to the State.

SEC. 2. All outstanding bonds purchased under the provisions of this act shall be cancelled and burnt by the treasurer in the presence of the governor and comptroller.

SEC. 3. Whereas, the objects sought to be obtained by this act are of great public interest; and, whereas, the near approach of the adjournment of the Legislature endangers its consideration on three several days, thereby creating an imperative public necessity for dispensing with the rule which requires this bill to be read on three several days, and creates an emergency that this act be in force from and after its passage, and it is so enacted.

Approved March 18, A. D. 1881.

Takes effect from passage.

CHAPTER LII.—An act to amend article 4752, title 95, of chapter 4, of the Revised Statutes of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 4752, of title 95, chapter 4, of the Revised Statutes, shall be amended so as hereafter to read as follows, viz:

"Article 4752. In making sales of real property for taxes the collector shall advertise the same for sale in some newspaper published in the county where the land is to be sold, for three successive weeks, if there be one, and the publisher of such newspaper shall receive as compensation not exceeding twenty-five cents for each tract or parcel of land so advertised, to be taxed as other costs of sale against such land; *provided*, the cost of advertising in a newspaper shall be deducted from the fees allowed the collector for advertising; *and, provided*, that the comptroller shall

allow the collector twenty-five cents per tract for each tract of land bid off by the State; and if there be no newspaper published in the county, or there being a newspaper published in the county, and the publisher thereof refuses to publish the advertisement at the price herein fixed, then advertisement shall be made by posting the same for thirty days previous to the day of sale, at the court house door and three other public places in the county where the land or lots are situated, giving in said advertisement such description as is given to the same on the tax rolls in his hands, stating the name of the owner, if known, and if unknown say "unknown," together with time, place and terms of sale, said sale to be for cash, to the highest bidder, at public outcry, at the court house door, and between legal hours, on the first Tuesday of the month."

SEC. 2. Whereas, the law only requires tax sales to be posted, which is very prejudicial to land owners, the same not being sufficient notices; and, whereas, the time for advertising such sales is nearly at hand; therefore an imperative public necessity exists requiring the suspension of the constitutional rule requiring this bill to be read on three several days; therefore, resolved that said rule be suspended, and this act take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect from passage.

CHAPTER LIII.—An act to amend chapter 3, of title 15, of an act entitled "an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," approved Feb. 21, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That chapter 3, of title 15, of the act entitled "An act to adopt and establish a Penal Code and Code of Criminal Procedure," approved February 21, 1879, be amended by adding thereto a new article, to follow article 1074, to be entitled article 1074a, and read as follows:

"Article 1074a. In all cases where indictments have been presented against persons in one county, charging them with any offense against the Penal Code, and such causes have been removed by change of venue to another county, and tried therein, the county from which such cause is removed shall be liable for all expenses incurred for pay of jurors in trying such causes."

SEC. 2. That the above recited act shall be amended by adding thereto another article, to follow article 1074a, to be called article 1074b, to read as follows:

"Article 1074b. That it shall be the duty of the county commissioners of each county in the State, at each regular meeting, to ascertain whether, since their last regular meeting, any person has been tried for crime upon a change of venue from any other county, and if they shall find such to be the case, it shall be their duty to make out an account against such county from which such cause was removed, showing the number of days the jury in such case was employed therein, and setting forth the amount paid for such jury service; such account shall then be certified to as correct by the county judge of such county, under his hand and seal, and be by him forwarded to the county judge of the county court of the county from which the said cause was removed, which account shall be paid in the same manner as accounts for the safe-keeping of prisoners, in article 1074 of this Code."



SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 4. Whereas, several counties now have causes pending in their courts by a change of venue from another county, and under the present law such counties very unjustly are required to pay all the jury expenses attending the trial of the same, therefore an emergency exists, and an imperative public necessity demands the suspension of the constitutional rule requiring a bill to be read on three several days, said rule is therefore suspended, and this act shall take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect from passage.

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CHAPTER LIV.—An act to define the time for holding the district court of Kaufman county.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the district court in and for Kaufman county shall hereafter be begun and holden on the first Mondays in June and December in each year, and shall continue in session four weeks; *provided*, that all writs and process heretofore issued and executed and made returnable to any former term of said court are hereby made valid for all purposes for which they were intended; and all writs and process made returnable to said court shall be made returnable to the terms of said court as herein defined.

SEC. 2. Be it further enacted, That the judge of said district court may order such special terms of said court as may be necessary to clear the docket of all the business remaining unfinished in said court in the manner that is now provided by law.

SEC. 3. There being an urgent demand for the immediate passage of this law, and the necessity existing for the same, so as to make the time more convenient to the people, therefore an emergency exists for its immediate passage, therefore it shall take effect from and after passage.

Approved March 22, A. D. 1881.

Takes effect from passage.

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CHAPTER LV.—An act to amend articles 4662, 4664 and 4665 of chapter 1, title 95, of the Revised Statutes, adopted February 28, 1879.

SECTION 1 Be it enacted by the Legislature of the State of Texas, That article 4662 of the Revised Statutes shall hereafter read as follows:

"Article 4662. There shall be levied and collected an annual direct *ad valorem* State tax of four-tenths of one per centum of the cash value thereof, estimated in lawful currency of the United States, on all real property situated, and all movable property owned, in this State on the first day of January of each and every year, except so much thereof as may be exempted by the constitution and laws of this State, which cash value shall be estimated in the lawful currency of the United States."

SEC. 2. That article 4664 of the Revised Statutes shall hereafter read as follows:

"Article 4664. There shall be levied and collected from every male person between the ages of twenty-one and sixty years, resident within this State on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf and dumb, or those who by amputation of one hand or one foot excepted), an annual poll tax of two dollars each—one dollar for the benefit of free schools, and one dollar for general revenue purposes."

SEC. 3. That article 4665 be so amended as to hereafter read as follows:

["Article 4665.] That there shall be levied on and collected from every person, firm, company, or association of persons, pursuing any of the following named occupations, an annual tax, except when herein otherwise provided, on every such occupation or separate establishment as follows:

"From every merchant whose purchases amount to one hundred thousand dollars annually, one hundred and eighty dollars; from every merchant whose annual purchases amount to fifty thousand dollars, ninety dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars, forty-five dollars; from every merchant whose annual purchases amount to fifteen thousand dollars, twenty-seven dollars; from every merchant whose annual purchases amount to ten thousand dollars, eighteen dollars; from every merchant whose annual purchases amount to five thousand dollars, nine dollars; from every merchant whose annual purchases amount to two thousand dollars or less, five dollars.

"From every commercial traveler, drummer, salesman or solicitor of trade by sample or otherwise, an annual occupation tax of fifty dollars; *provided*, that the tax herein required to be paid by such commercial traveler, drummer, salesman or solicitor shall be paid to the comptroller of public accounts, whose receipt, under seal, shall be evidence of the payment of such tax; *and, provided further*, that no county, city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman or solicitor; *provided*, that nothing herein contained shall apply to any one soliciting subscriptions for religious, literary or historical books or maps, or to persons soliciting for nurseries; *provided further*, that every commercial traveler, drummer, salesman or solicitor of trade, before he solicits for orders, or makes any sales of any article whatever in any county of this State, shall file with the county clerk of such county the comptroller's receipt for the occupation tax herein prescribed, and the clerk shall immediately record such receipt, and return the same to such commercial traveler, drummer, salesman or solicitor of trade, on his payment of a fee of twenty-five cents therefor; and every commercial traveler, drummer, salesman or solicitor of trade, who shall solicit orders, or make any sales in any county in this State, without first having the receipt of the comptroller for his occupation tax duly recorded as herein prescribed, shall be deemed guilty of a misdemeanor, and fined in any sum not less than twenty-five nor more than one hundred dollars.

"A merchant, in the meaning of this act, is any person, firm or association of persons engaged in buying and selling goods, wares and merchandise of any kind whatever.

"From every traveling person selling patent or other medicines, two hundred dollars; and no traveling person shall so sell until said tax is paid.

"From every fortune-teller, two hundred dollars.

"From every clairvoyant or mesmerist, who plies his or her vocation for money, five dollars for each and every county in which such vocation is carried on.

"From every person, firm or association of persons engaged in discounting and shaving paper, or engaged in business as money-brokers or bankers, or in buying and selling bonds, State or county warrants, or other claims against the State, an annual tax of twenty dollars in a city or town of not more than two thousand inhabitants; in a city or town of five thousand and not less than two thousand inhabitants, an annual tax of fifty dollars; in a city or town of ten thousand and not less than five thousand inhabitants, an annual tax of one hundred dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants, an annual tax of one hundred and fifty dollars; in a city or town of forty thousand and not less than twenty thousand inhabitants, an annual tax of two hundred dollars.

"From every operator or owner of any daguerrean, photograph or other such like gallery, by whatever name called, if in any incorporated city or town of less than five thousand inhabitants, eight dollars; if more than five thousand inhabitants, eighteen dollars; and if elsewhere, five dollars; and from every person soliciting work for any daguerrean, photograph or such like gallery; or for persons engaged in the business of copying or enlarging pictures or photographs of any character, where such gallery is not situated in, or such business is not in, the county in which he solicits such work, ten dollars.

"From every auctioneer doing business in a city of ten thousand inhabitants or more, an annual tax of sixty dollars; from every auctioneer in a city or town of five thousand and not more than ten thousand inhabitants, forty dollars; from every auctioneer in a city or town of two thousand inhabitants and not more than five thousand, twenty-four dollars; from auctioneers in all other towns and villages, sixteen dollars.

"From every person, firm or association of persons following the occupation of ship merchandising, if in a city or town of ten thousand inhabitants, or more, twenty-five dollars; if in a city or town of less than ten thousand inhabitants, ten dollars.

"From every keeper of a toll bridge, an annual tax of ten dollars.

"From every person, firm or association of persons selling upon commission, an annual tax of ten dollars.

"From land agents there shall be collected an annual tax of eight dollars.

"The term 'land agent' shall be construed to mean any person, firm or association of persons performing for compensation any of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term 'land agent' shall not be so construed as to levy any tax upon attorneys in addition to the one hereinafter levied, when pursuing the occupation of an attorney, strictly as such.

"From every person practicing law, five dollars; *provided*, that attorneys-at-law shall only pay county occupation tax in the county of his or their residence.

"From every practicing physician having a permanent home in this State, five dollars; *provided*, that physicians shall only pay county occupation tax in the county of their residence.

"From every physician, surgeon, oculist or medical specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of fifty dollars in each county where he may practice his profession.

"From every dentist in a city or town of ten thousand inhabitants or

more, ten dollars; from every other dentist, eight dollars. But a dentist shall not be liable for county occupation tax only in the county of his residence.

"From every other person, firm or association of persons pursuing the occupation of posting up advertising bills or notices, tacking up advertising cards or notices of tin, wood or other material, printing or lettering words or pictures on fences or other places as a means of advertising, the sum of twenty-five dollars per annum for the State, and in each county in which the occupation may be pursued, an annual tax of five dollars.

"From every person or firm keeping a shooting-gallery at which a fee is paid or demanded, an annual tax of twenty dollars in each county.

"For every billiard, bagatelle, pigeon-hole, devil-among-the-tailors, or jenny lind table, or anything of the kind used for profit, fifty dollars.

"For every horse race on which money or anything of value is bet, where the distance run does not exceed four hundred and forty yards, twenty-five dollars for each horse entered, to be paid to the tax collector before the race is run by the person entering the horse. For any person or persons who shall sell pools on horse races, five dollars for each and every day they may so sell said pools.

"For every nine or ten-pin alley, or any other alley used for profit, by whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls are rolled without regard to the number of pins used, or whether pins are used or not, or whether the balls are rolled by hand or with a cue, one thousand dollars. Any such alley used in connection with any drinking saloon, or any drug store, where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

"From all persons keeping or using for profit any hobby-horse or flying-jenny or device of that character, with or without name, twenty dollars for each county wherein the same are kept or used.

"From every foot peddler, ten dollars in each county where he peddles. For every peddler with one horse or one pair of oxen, the sum of twenty-five dollars in each county where he peddles. For every peddler with two horses or two pairs of oxen, forty dollars for each county in which he may pursue such occupation; *provided*, nothing herein contained shall be so construed as to include traveling vendors of tin or earthenware.

"For every theatre or dramatic representation from which pay for admission is demanded or received, five dollars for each day they may perform, or one hundred and twenty-five dollars per quarter; *provided*, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included.

"For every circus, where equestrian or acrobatic feats and performances are exhibited for which pay for admission is demanded or received, for each performance thereof, fifty dollars, notwithstanding more than one such performance may take place daily.

"For every exhibition where acrobatic feats are performed for profit, not connected with the circus, ten dollars for each performance.

"For every sleight-of-hand performance, or exhibition of legerdemain, ten dollars.

"For every fight between men and bulls, or between dogs and bulls, or between bears and dogs, or between bulls and any other animals, five hundred dollars for each performance, if exhibited for pay.

"For every cock fight, when exhibited for profit, or upon which any money or thing of value is bet or paid, five dollars.

"For every menagerie, wax-work or exhibition of any kind where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admission are received.

"For every concert where a fee for admission is demanded or received, five dollars; *provided*, that entertainments, when given by the citizens for charitable purposes, or for the support or aid of literary associations, are excepted.

"For every livery or feed stable, forty cents for each stall, and forty cents for each hack, buggy or other vehicle; for every hack, buggy, or other vehicle let for hire, not connected with a livery stable, two dollars and fifty cents; for every wagon-yard, not connected with a livery or feed or sale stable, eight dollars.

"From every person, firm or association of persons dealing in stocks or bills of exchange in a city or town exceeding ten thousand inhabitants, an annual tax of seventy-five dollars; in a city or town of five thousand inhabitants, and less than ten thousand, an annual tax of fifty dollars; in a city or town of one thousand, and less than five thousand, inhabitants, an annual tax of twenty dollars; in any city or town of less than one thousand inhabitants, an annual tax of ten dollars.

"From every life insurance company doing business in this State, an annual tax of three hundred dollars; and in every county in which they may do business, ten dollars as county tax.

"From every fire and marine insurance company doing business in this State, an annual tax of two hundred dollars; and in every county in which they may do business, ten dollars as county tax.

"The State tax due from insurance companies shall be paid by such companies to the comptroller of public accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of payment of State tax, and the county collector's receipt shall be authority to work in any county in this State for which such company has a receipt.

"From every person, firm or association of persons dealing in lightning rods, an annual tax of fifty dollars to the State, and twenty-five dollars as county tax to the county in which such business is carried on; upon every person canvassing for the sale of lightning rods, an annual tax of fifty dollars to the State, and twenty-five dollars as county tax to each county in which such canvassing is done.

"From every person, firm or association of persons following the occupation of cotton broker, cotton factor and commission merchant, in a city of more than five thousand inhabitants, an annual tax of fifty dollars, and in all other cases an annual tax of twenty-five dollars; *provided*, that a merchant who pays an occupation tax, as under section 3 of this act, shall not be considered as a 'cotton broker.'

"From every pawnbroker, an annual tax of one hundred dollars.

"From every person pursuing the occupation of a cotton buyer, ten dollars; *provided*, that a merchant who pays an occupation tax as herein prescribed shall not be considered as a cotton buyer.

"From every person, firm, agency or association of persons dealing in sewing machines, an annual tax of twenty dollars to the State, and ten dollars as county tax in every county where such business may be carried on; and upon every person canvassing for the sale of sewing machines, an annual tax of twenty dollars to the State, and ten dollars to each county

in which such canvassing may be done; *provided*, that a merchant who pays an occupation tax as required by this section shall not be required to pay this special tax for selling sewing machines.

"From every person, firm or association of persons doing an express business in this State, an annual tax of seven hundred and fifty dollars shall be levied and collected, this tax to be paid by such person, firm or association of persons doing an express business, to the comptroller of public accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of the payment of the State, county and municipal occupation tax.

"From every person, firm or association of persons owning or running any palace, sleeping or dining room cars not owned by the railway company, on any railroad in this State, there shall be collected an annual tax of two dollars per mile for each and every mile of any and all railroads in this State over which such cars may run. The tax herein due shall be paid by said person, firm or association of persons, to the comptroller of public accounts, whose receipt, under seal, shall be issued to the company, person or firm, certified copies of which shall be evidence of the payment of State tax; *provided*, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

"From every person, firm or association of persons, owning or running any railroad cars, steamboats or stage coaches in this State, there shall be collected quarterly, on the 1st days of January, April, July and October of each year, a tax of one per centum upon their gross receipts from all passenger travel within this State, the same gross receipts to be returned under oath by said owner, agent or manager of said company, to the comptroller, and said tax to be collected by the comptroller, under such regulations as he may prescribe; *provided*, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

"From every chartered telegraph company doing business within this State there shall be collected one cent for every full rate message and one-half that for every message less than a full rate message sent; this tax to be paid quarterly to the comptroller on the sworn statement of the chief manager of said company or companies, who shall keep a record of such messages; and the receipt of the comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax; *provided*, railroad messages for running their trains and for company use shall not be taxed; *provided further*, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon any such chartered companies for messages sent.

"From each gas company manufacturing gas, fifty dollars.

"*Provided further*, That the payment of the tax heretofore imposed by law shall not authorize any person or firm to pursue any occupation upon which a tax is imposed by this act, except on compliance with the provisions of this act; and such person or firm shall have credit on the amount of tax levied by this act for the amount already paid by him or them on so much of the term paid for as shall not have expired at the time this act shall take effect; *provided*, that the fact that a tax is levied by this article upon bagatelle, pigeon-hole, devil-among-the-tailors, jenny lind table, or anything of the kind used for profit, and upon any nine or ten pin alley, or other alley used for profit, shall not be construed to

exempt from the punishment prescribed by law any person who may violate any of the provisions of chapter 3 of the Penal Code; *provided further*, that this act shall not be construed to prevent persons, or firms of persons, who pay an occupation tax under this act for pursuing the occupation of a merchant in a city or town, from soliciting trade within the corporation limits of said city or town where they reside."

SEC. 4. Whereas, the various county commissioners courts throughout the State are about to levy taxes for the present year, therefore an emergency exists that this act take effect from and after its passage, and an imperative public necessity requires that the rule requiring this bill to be read on three several days in each House should be suspended, and it is so enacted.

Approved March 24, A. D. 1881.

Takes effect from passage.

CHAPTER LVI.—An act to authorize the refunding of moneys paid into the general land office under the provisions of an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, passed August 26, 1856, and the provisions of a supplemental act entitled "an act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve," approved November 28, 1857, in all cases wherein the State failed to patent the lands on account of same being covered by previous grant, for which such moneys were paid, and to make an appropriation therefor.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That all moneys paid into the general land office under the provisions of the supplemental act mentioned in the caption hereof, approved November 28, 1857, for lands in the Mississippi and Pacific Railroad Reserve to which the State failed to issue patent to the parties making such payment, shall be refunded to such party or parties upon application, as hereinafter provided.

SEC. 2. It shall be the duty of the commissioner of the general land office, upon application to him, made by any party or parties claiming to have made payments under the said supplemental act of November 28, 1857, and failed to receive patents to the land on account of same being covered by the previous grant for which such payment was made, to investigate said claim; and, when it shall appear that such claim is just, and that the money paid into the office of the commissioner of the general land office, has not been refunded to the party or parties making such payments, and that the State of Texas is therefore justly indebted to the party or parties making such payments, he, the commissioner of the general land office, shall issue to the party making application, or his legal representatives, an official certificate showing the amount of money so paid, and date of payment.

SEC. 3. Upon presentation to the comptroller of public accounts of such certificate from the commissioner of the general land office, properly authenticated, it shall be his duty to draw his warrant upon the state treasurer in favor of the party holding such certificate for the whole amount originally paid into the general land office, as shown by the certificate of the commissioner thereof, with interest at the rate of four per cent. per annum from the date of the original payment into the

land office to the date of the said warrant on the state treasurer. The sum of one hundred and fifty four dollars, or so much thereof as may be required, is hereby appropriated out of any money in the treasury, not otherwise appropriated, to carry out the provisions of this act.

SEC. 4. In order that immediate relief may be granted under the provisions of this act in cases of extreme destitution and want, an emergency exists requiring that this act shall take effect and be in force from and after its passage, and it is so enacted.

Approved March 25, A. D. 1881.

Takes effect from passage.

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## CHAPTER LVII.—An act to prescribe the requisites of indictments in certain cases.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That an indictment for any offense against the penal laws of this State shall be deemed sufficient which charges the commission of the offense in ordinary and concise language in such a manner as to enable a person of common understanding to know what is meant, and with that degree of certainty that will give the defendant notice of the particular offense with which he is charged, and enable the court on conviction to pronounce the proper judgment; and, in no case are the words "force and arms," or "contrary to the form of the statute" necessary.

SEC. 2. When a statute creating or defining any offense, uses special or particular terms, an indictment on it may use the general term which in common language embraces the special term.

SEC. 3. When to constitute the offense an act must be done in a public place, it is sufficient to allege that the act was done in a "public place."

SEC. 4. An indictment for an act done with intent to commit some other offense, may charge in general terms the commission of such act with intent to commit such other offense, without stating the facts constituting such other offense.

SEC. 5. In an indictment for selling intoxicating liquors in violation of any law of this state, it shall be sufficient to charge that the defendant sold intoxicating liquors contrary to law, naming the person to whom sold, without stating the quantity sold; and under such indictment any act of selling in violation of the law may be proved.

SEC. 6. An indictment for perjury or false swearing need not charge the precise language of the false statement, but may state the substance of the same, and no such indictment shall be held insufficient on account of any variance which does not affect the subject matter or general import of such false statement; and it is not necessary in such indictment to set forth the pleadings, records or proceedings with which the false statement is connected, nor the commission or the authority of the court, or person before whom the perjury was committed; but it is sufficient to state the name of the court, or officer by whom the oath was administered, with the allegation of the falsity of the matter on which the perjury is assigned.

SEC. 7. An indictment under the laws relating to bribery shall be sufficient, if it charges that the defendant bribed or attempted to bribe



any officer or other person named in the Penal Code who may be subject to bribery, with intent to influence the action of such person; or that any such officer or other person accepted, or agreed to accept, a bribe given or promised, to influence his action, stating the particular thing or advantage given, promised, accepted, or agreed to be accepted, and the particular act to be influenced thereby.

SEC. 8. Under the laws relating to misapplication of public money, an indictment may charge that the defendant misapplied certain public moneys in his hands by virtue of his trust, stating the amount of such public moneys and the manner in which the same was misapplied.

SEC. 9. In indictments for theft or embezzlement of any coin or paper current as money, or of any checks, bills of exchange, or other such security, it shall be sufficient to describe the property in general terms, as "money," "checks," "bills of exchange," or other evidence of debt, of or about a certain amount.

SEC. 10. An indictment under the laws regulating the carrying of deadly weapons may charge that the defendant carried about his person a pistol, or other deadly weapon, without authority of law, without a further averment of a want of legal excuse or authority on his part.

SEC. 11. The following forms of indictments in cases in which they are applicable are sufficient, and analagous forms may be used in other cases:

Form No. 1.—general form: In the name and by the authority of the State of Texas, the grand jury of.....county, present in the district court of said county that about the.....day of....., A. D. ...., in.....county, Texas, (name or description of defendant) did (description of offense), against the peace and dignity of the State. ...., Foreman of the grand jury.

Form No. 2: Murder. A. B. did with malice aforethought kill C. D. by shooting him with a gun, or, by striking him with an iron weight, or, by poisoning him, etc.

Form No. 3: Assault to commit felony. A. B. did assault C. D., with intent to murder, rob, maim, disfigure or castrate him; or, did assault C. D. in attempting to commit burglary; or, did assault E. F., a female, with intent to rape her, etc.

Form No. 4: Aggravated assault. A. B. did make an aggravated assault on C. D.

Form No. 5: Simple assault. A. B. did assault C. D.

Form No. 6: Bribery. A. B. did bribe C. D., a sheriff, by paying him ten dollars in money, with intent that said C. D. should permit E. F., a prisoner in his custody, to escape.

Form No. 7: Gaming. A. B. and C. D. did play at a game with cards in a public place (or in a store house, etc.), or A. B. and C. D. did bet at a game with dice; or A. B. and C. D. did bet at a game with dominoes, crack-loo, and crack-or-loo; or A. B. and C. D. did bet at crack-loo or crack-or-loo. A. B. did keep a table, (bank or alley), for gaming; or A. B. did bet at a ten pin alley; or did permit gaming in his house (or house under his control); or did rent to C. D. a room to be used as a place for gaming; or did bet on the result of an election.

Form No. 8: Rape. A. B., an adult male, did rape C. D., a female.

Form No. 9: Affray. A. B. and C. D. did fight together in a public place.

Form No. 10: Adultery and fornication. A. B., a man, and C. D., a

woman, did have habitual carnal intercourse with each other, the said A. B. being lawfully married to E. F.

Form No. 11: Unlawful marriage. A. B., having a wife then living, did unlawfully marry C. D.; or A. B., a white person, and C. D., a negro, did knowingly intermarry with each other; or, having intermarried did continue to live together as man and wife.

Form No. 12: Escape. A. B., a sheriff, having the legal custody of C. D., then accused of a murder in the first degree, did wilfully permit him to escape.

Form No. 13: Perjury. A. B. did deliberately and wilfully state under an oath required by law, and legally administered by C. D., a justice of the peace, that (giving the substance of the false statement), which statement was false, as the said A. B. well knew.

Form No. 14: Keeping disorderly house. A. B. did keep a disorderly house.

Form No. 15: Lotteries. A. B. did establish a lottery, or did dispose of certain property by lottery.

Form No. 16: Unlawful practice of medicine. A. B. did practice medicine without authority of law.

Form No. 17: False imprisonment. A. B. did wilfully and without lawful authority detain C. D. against his consent.

Form No. 18: Kidnapping. A. B. did falsely imprison C. D. for the purpose of removing him from the State.

Form No. 19: Arson. A. B. did wilfully burn a certain house, the property of C. D.

Form No. 20: Burglary. A. B. did break and enter the dwelling house of C. D. with intent to steal.

Form No. 21: Theft. A. B. did steal a horse from C. D., or did steal a watch of the value of fifty dollars from C. D.

Form No. 22: Swindling. A. B. did falsely represent to C. D. that he had ten bales of cotton packed and ready for delivery, and by means of such false representation did obtain from said C. D. one hundred dollars in money, with intent to appropriate it to his own use.

Form No. 23: Fraudulent disposition of mortgaged property. A. B. having given to C. D. a lien in writing, on his crop of cotton, did dispose of the same with intent to defraud said C. D.

Form No. 24: Counterfeiting coin. A. B. did counterfeit a silver coin of the Republic of Mexico, called a dollar, which was at the time current as money in the United States.

Form No. 25: Conspiracy. A. B. and C. D. did conspire together to murder E. F.

Form No. 26: Robbery. A. B. did rob C. D. of twenty dollars in money.

Form No. 27: Forgery. A. B. did forge a certain false instrument in writing, in substance as follows: (setting out the forged instrument.)

Form No. 28: Misapplication of public money. A. B., a collector of taxes, did misapply one thousand dollars of public moneys in his hands, by virtue of his office, by converting said moneys to his own use.

SEC. 12. Nothing contained in the 11th section of this act shall be construed to dispense with the necessity for proof of all the facts constituting the offense charged in an indictment, as the same is defined by law.

SEC. 13. In an indictment for libel, it is not necessary to set forth any intrinsic facts for the purpose of showing the application to the libeled party of the defamatory matter on which the indictment is founded; it

is sufficient to state generally that the same was published concerning him.

SEC. 14. When the offense may be committed by different means, or with different intents, such means or intents may be alleged in the same count, in the alternative.

SEC. 15. Words used in a statute to define an offense, need not be strictly pursued in the indictment; it is sufficient to use other words conveying the same meaning, or which include the sense of the statutory words.

SEC. 16. Matters of which judicial notice is taken (among which are included the authority and duties of all officers elected or appointed under the general laws of this State), and presumptions of law need not be stated in an indictment.

SEC. 17. An indictment shall not be held insufficient, nor shall the trial, judgment or other proceedings thereon be affected by reason of any defect or imperfection of form in such indictment, which does not prejudice the substantial rights of the defendant.

SEC. 18. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Approved March 26, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LVIII.—An act to amend article 506, chapter 11, of title 17, and to create article 340a, chapter 1, of said title, of the Revised Civil Statutes of the State of Texas, relating to cities, towns and villages.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 506, of chapter 11, shall be amended so as to read as follows:

"Article 506. When a town or village may contain more than two hundred, and less than ten thousand inhabitants, it may be incorporated as a town or village, in the manner prescribed in chapter 11, title 17, of the Revised Civil Statutes; and there is hereby created an article, which shall read as follows:

"Article 340a. When a city or town may contain one thousand inhabitants or over, it may be incorporated as a city or town, in the manner prescribed by chapter 11 of this title; *provided*, that an election shall be ordered on the application of fifty electors of such city or town; *and, provided, further*, that when an election is held according to the provisions of said chapter 11, to be incorporated as a city or town, the words 'towns and villages' shall be construed to read, and read 'cities and towns.'"

Approved March 26, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LIX.—An act to amend chapters 5 and 11, of title 17, of the Revised Civil Statutes of the State, relating to charters of cities and towns, and towns and villages, so as to authorize the levy of a tax for the support of public free schools, under certain circumstances.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That chapter 5, title 17, of the Revised Civil Statutes of this State,

shall be amended by adding thereto another article, which shall read as follows:

"Article 425a. The city or town council, whether incorporated under the provisions of this title or by any act of the Congress of the Republic, or the Legislature of the State of Texas, shall have power, by ordinance, to annually levy and collect not exceeding one-half of one per cent ad valorem taxes, for the support and maintenance of public free schools in the city or town, where such city or town is a separate and independent school district; *provided*, that no such tax shall be levied until an election shall have been held, at which none but property tax payers, as shown by the last assessment rolls, who are qualified voters of such city or town, shall vote, and two-thirds of those voting shall vote in favor thereof. The proposition submitted may be for a tax not exceeding one-half of one per cent, or it may be for a specific per cent; one election, and no more, shall be held hereafter in any one calendar year to ascertain whether a school tax shall be levied; if the proposition is carried the school tax shall continue to be annually levied and collected for at least two years; and thereafter, unless it is discontinued, at an election held to determine whether the tax shall be continued or discontinued, at the request of fifty property taxpayers of such city or town; when the tax is continued no election to discontinue it shall be held for two years; when the tax is discontinued no election to levy a tax shall be held during the same year."

SEC. 2. That chapter 11, of title 17, of the Revised Civil Statutes of this State, shall be amended by adding thereto another article, which shall read as follows:

"Article 522a. The board of aldermen shall have power, by ordinance, to levy and collect ad valorem taxes, for the support and maintenance of public free schools, under the rules, regulations and restrictions prescribed in article 425a, chapter 5, of this title."

SEC. 3. The prospect of an early adjournment, and the necessity for rendering the statutes unambiguous, and placing the support of free schools on a firm basis, creates a necessity and an emergency that the rule requiring this bill to be read on three several days be suspended; and it is suspended; and that this act take effect from and after its passage; and it is so enacted.

Approved March 26, A. D. 1881.

Takes effect from passage.

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CHAPTER LX.—An act to diminish the civil jurisdiction of the county court of Bosque and San Patricio counties in this State, and conform the jurisdiction of the district court of said counties to such change.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the county court of the counties of Bosque and San Patricio shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards; grant letters of administration, settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the partition, settlement and distribution of estates of deceased persons,

and to apprentice minors as prescribed by law, and to issue all writs necessary to the enforcement of its jurisdiction, and to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the State, and to have and exercise general jurisdiction over questions of eminent domain, as prescribed by law; but said county courts shall have no other civil jurisdiction.

SEC. 2. That the district courts of said counties of Bosque and San Patricio shall have and exercise jurisdiction in all matters and causes of a civil nature, over which by the general laws of the State the county courts of said counties would have jurisdiction, except as provided in section 1 of this act; and that in all cases other than probate matters, and such as are provided in section 1 of this act, be and the same are hereby transferred to the district courts of said counties, and all writs and process in civil causes heretofore issued by or out of said county courts, other than those pertaining to civil matters, over which by section 1 of this act jurisdiction is given to the county courts of said counties, be and the same are hereby made returnable to the next term of the district courts in and for said counties.

SEC. 3. That the clerks of the county court of the said counties respectively of Bosque and San Patricio, be and they are hereby required, within twenty days after the passage of this act, to make a fair and complete transcript of all the entries on their civil dockets heretofore made in causes which by section 2 of this act are transferred to the district courts of said counties respectively, and file the same, together with the original papers of all said causes and proceedings, with the clerks of the district court respectively of said Bosque and San Patricio counties, and all such causes shall be immediately docketed by the clerk of the district court respectively of said Bosque and San Patricio counties, and shall stand on the dockets of said courts, and for each of said transcripts the county clerks aforesaid shall receive twenty cents per one hundred words, and fifty cents for a certificate thereto, to be taxed as costs against the party cast in the suit.

SEC. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 5. The prospect of an early adjournment creates a necessity for the suspension of the rule requiring this bill to be read on three several days, and it is suspended; and the immediate public good to arise from its passage creates an emergency that this act take effect from its passage, and it is so enacted.

Approved March 26, A. D. 1881.

Takes effect from passage.

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CHAPTER LXI.—An act to provide for designating and setting apart three hundred leagues of land out of the unappropriated public domain for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the governor, comptroller, treasurer of the state, attorney general, and commissioner of the general land office, are hereby constituted a board to contract with some suitable person or persons to survey and to return to the general land office the field notes and plats of three hundred

leagues of land from any of the unappropriated public domain within the State or any of the reserves made by the act of the Legislature of July 14, 1879, which shall constitute a reservation out of which each of the unorganized counties of this State, as it may be organized, shall be entitled to four leagues of land for free school purposes. The contract shall be let to lowest and best responsible bidder, after advertisement in one newspaper published in the city of Austin, and one published in the city of Galveston, and one in the city of Dallas, and one in the city of San Antonio, for four successive weeks, for sealed proposals. All bids shall be filed in the office of the comptroller of the state, and shall be by him safely kept until the time designated in the advertisement for opening sealed bids and awarding said contract.

SEC. 2. The advertisement for bids shall require the bids to specify at what price the work of surveying will be done per league, and that the work will be performed within a time to be specified in the advertisement.

SEC. 3. Said board shall have power to reject any and all bids, without assigning cause, if they shall be satisfied that the work can be done as well at a less expense by reliable surveyors, surveying at a specific sum per mile, in private contract, or from any other cause deemed sufficient; in which event the board shall proceed to make said contract in disregard of bids.

SEC. 4. The contract or contracts shall be in writing, and the person or persons executing the same shall enter into such bond, with sureties, as said board shall prescribe, to be not less than double the amount of the bid, for the faithful performance of the contract under the provisions of this act. The original bond shall be deposited with the secretary of state.

SEC. 5. The field notes and maps of the surveys shall be recorded in a well bound book or books by the contracting surveyor, the original of which shall be returned under oath to the general land office, and shall constitute an archive therein; and the said contractor or contractors shall furnish each district surveyor in whose district lands are surveyed, a copy of the field notes and maps of surveys made in his district, also recorded in a well bound book, which shall constitute a record of his office.

SEC. 6. In all cases two corners shall be marked and established on the ground for each survey, the lines between which, if in timber, shall be distinctly marked. Said corners shall be made with at least two bearings, if in timber, and if in the prairie, by earth-mounds six feet in diameter and three feet high.

SEC. 7. Each league of land shall be numbered in the order it is surveyed by the contractor or contractors, beginning at number one and extending to number one hundred, and as each of the unorganized counties in the State shall be organized, such county shall be entitled to the first four leagues out of the reservation authorized by this act, which shall not have been patented to other counties for free school purposes, upon the payment to the treasurer of the state the actual costs of the surveying fees and legal interest thereon from time of payment by the State; and upon the payment of the cost of surveying and patent fees, the commissioner of the general land office is hereby required to issue patents to said county for four leagues of land as above provided; *provided*, any county that fails to pay surveying and patent fees under this act, within three years after its organization, shall forfeit all claims to the lands herein donated.

SEC. 8. The governor shall appoint a commissioner, who shall supervise the action of the contracting surveyors in their work, and who shall

have the power to prevent the surveying of any lands not deemed valuable for grazing or agricultural purposes. Said commissioner shall receive one hundred and fifty dollars per month while engaged in the discharge of his duties, not to exceed eight months, to be paid by the State, which shall be apportioned among the counties receiving lands under this act, and to be by said counties repaid into the State treasury before the issuance of patents.

SEC. 9. Said board shall direct the time and manner in which all plats and field notes of surveys made by contractors under this act shall be made, one copy of which shall be deposited in the general land office.

SEC. 10. Neither the contractor, surveyor, commissioner, employees or attaches of said parties shall have the right, either directly or indirectly to file upon or locate any lands for themselves or other person during the time they are employed by the State; and any such contractor, surveyor, commissioner, attache or employee who shall violate the provisions of this section, shall be deemed guilty of a felony, and upon conviction thereof before the district court of Travis county, to which jurisdiction is here given, shall, on conviction, be confined at hard labor in the penitentiary for not less than one nor more than five years.

SEC. 11. No money shall be drawn out of the State treasury to carry out the provisions of this act, until said three hundred leagues of land have been surveyed, and the field notes returned to the general land office, as provided in section 5 of this act.

SEC. 12. The sum of forty-five hundred dollars is here appropriated, or so much thereof as may be needed, to carry out the provisions of this act.

Approved March 26, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER LXII.—An act to amend chapter 5, title 22, of the Revised Civil Statutes of Texas, relating to county seats, by adding another article, to be known as article 694a.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That chapter 5, title 22, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended by adding thereto after article 694, another article, to be known as article 694a, which shall read as follows:

"Article 694a. No county seat first established in a newly organized county shall be located of any point more than five miles from the geographical center of any county in this State, unless by a two-thirds vote of all the electors voting on the subject in said county."

SEC. 2. The near approach of the close of the present session of the Legislature creates (in the opinion of this Legislature) a public necessity sufficiently imperative in its character to justify the suspension of the constitutional rule requiring this act to be read on three several days, and it is so suspended.

Approved March 28, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER LXVIII.**—An act to establish the thirty-sixth (36th) judicial district, and to provide for the appointment of a district judge and district attorney therein, and to conform the twenty-second (22d) and twenty-fourth (24th) judicial districts thereto.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the counties of San Patricio, Live Oak, McMullen, La Salle, Dimmitt, Frio, Atascosa and Zavalla shall be, and the same are hereby constituted the thirty sixth (36th) judicial district of Texas.

**SEC. 2.** The district courts shall be held in the several counties comprising the thirty-sixth judicial district as follows: In the county of San Patricio on the first Mondays in March and September, and may continue in session one week; in the county of Live Oak on the first Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of McMullen on the third Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of La Salle on the fifth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Dimmitt on the sixth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Frio on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks; and in the county of Atascosa on the ninth Monday after the first Mondays in March and September, and may continue in session until business is disposed of. The county of Zavalla is hereby attached to the county of Frio for judicial purposes.

**SEC. 2.** The governor shall appoint some suitable citizen of the thirty-sixth judicial district as herein established to be judge thereof until the next general election, and until his successor shall be elected and qualified. The governor shall also appoint some suitable citizen of the said district to be district attorney thereof, until the next general election, and until his successor has been elected and qualified.

**SEC. 4.** The twenty-second judicial district of Texas shall hereafter be composed of the county of Bexar, and the terms of the district court shall be held in said county at the times hereinafter specified in each year viz: On the first Monday in March, and may continue in session twelve weeks; on the first Monday in June, and may continue in session four weeks; on the first Monday in September, and may continue in session twelve weeks; and on the first Monday in December, and may continue in session twelve weeks.

**SEC. 5.** The twenty-fourth (24th) judicial district of Texas shall hereafter be composed of the counties of Kendall, Kerr, Bandera, Medina, Uvalde, Kinney, Maverick, Comal and Edwards.

**SEC. 6.** The terms of the district courts of the twenty-fourth (24th) judicial district shall be held in the several counties composing said district at the times hereinafter specified, in each year, viz: in the county of Maverick on the first Mondays in March and September, and may continue in session two weeks; in the county of Kinney on the second Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Uvalde on the fourth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Medina on the sixth Monday after the first Mondays in March and September, and may continue in session two



weeks, in the county of Bandera on the eighth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Kerr on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Kendall on the eleventh Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Comal on the thirteenth Monday after the first Mondays in March and September, and may continue in session until business is disposed of. The unorganized county of Edwards is hereby attached to the county of Kerr for judicial purposes.

SEC. 7. All writs and process returnable to the district courts as heretofore fixed in the several counties affected by this act, shall be as valid and binding as if no change had been made.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 9. The near approach of the close of the present session of the Legislature, and the accumulated business on the calendar, create such an emergency as requires the suspension of the constitutional rule requiring this act to be read on three several days, and it is so enacted.

Approved March 28, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LXIV.—An act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated for deficiencies incurred in support of the State government for the period of time beginning March 1, 1879, and ending February 28, 1881, and for previous years:

#### JUDICIARY.

To pay costs due sheriffs, clerks and attorneys for the year ending February 29, 1880.....	\$28,145 67
To pay costs due sheriffs, clerks and attorneys for the year ending February 28, 1881.....	10,000 00
To pay salaries special judges for both years.....	607 87
“ clerks’ fees in felony cases in appellate court.....	2,730 00
“ for stationery, appellate court.....	28 75
“ extradition expenses for 1878.....	244 50
“ rewards, etc., for year ending February 28, 1879, and previous years.....	4,000 00

#### QUARANTINE.

To pay salaries and expenses on quarantine officers for year ending February 29, 1880.....	\$6,735 21
To pay for building quarantine stations.....	2,845 05
“ salary and expenses of quarantine for the year ending February 28, 1881.....	2,584 30

## INSTITUTION FOR THE DEAF AND DUMB.

To pay for groceries, provisions, etc., for both years..... \$3,527 00

## INSTITUTION FOR THE BLIND.

To pay for groceries, provisions, etc., for both years..... \$1,200 00

## PENITENTIARIES.

To pay for carrying prisoners to penitentiary for both years..\$13,938 40

## AGRICULTURAL AND MECHANICAL COLLEGE.

To pay H. C. Edrington for moneys advanced to the Agricultural and Mechanical College..... \$4,987 44

## MISCELLANEOUS.

To pay J. G. Hamilton for carrying a prisoner charged with felony, adjudged insane, to Lunatic Asylum, from Delta county, in 1874..... \$162 50

To pay school superintendents and directors for the year beginning September 1, 1875, and ending August 31, 1876... 45,000 00

To pay teachers and inspectors of public free schools for services rendered prior to July 1, 1873, said claims to be audited by the comptroller in accordance with the laws under which said services were rendered, and acts on the subject, approved respectively on April 27, 1874, and July 6, 1876, the said comptroller to determine in all cases, from information he may regard reliable, if said claims are honest and proper ones, notwithstanding they may be proved up or established as provided for in said acts; and this appropriation to include the thirty thousand dollars appropriated for this purpose by the Sixteenth Legislature, seventy-five thousand dollars; and the comptroller shall have power to reject all such claims as he may find fraudulent, and said rejection shall forever bar the same. Should this amount be found insufficient to pay the claims audited by the comptroller, he shall pro rate the same among such audited claims; *provided*, that no claims not heretofore established or proved up under the laws under which the services were rendered, or under one of said acts, shall be audited hereunder; and no claim shall be audited unless the same is filed in the comptroller's office within ninety days from the passage of this act. All claims not so filed within ninety days shall be forever barred.....

To pay Tobin Bros. bill of J. W. VanDyke for material and labor on public buildings in 1877..... 139 50

To pay Levi Perryman for conveying three prisoners, while sheriff of Montague county—viz: Robert Simmons, George Taylor and G. W. Hargraves, convicted of felony, from Montague county, Texas, to the State penitentiary at Huntsville, in July, 1879..... 369 00

To pay Brush and White and William Raatz for material furnished to build green-house on capitol grounds..... 247 27

To pay debts of second class of the late Republic of Texas... 3,000 00

SEC. 2. Whereas, the near approach of the day of final adjournment of this session of the Seventeenth Legislature, together with the fact that

this bill must go to the House to be passed upon by that body, which will necessarily create some delay, an imperative public necessity exists for the suspension of the constitutional rule requiring this bill to be read on three several days, and it is hereby enacted that said constitutional rule be and the same is hereby suspended; the fact that there is no appropriation to pay the claims herein stated, creates an emergency that requires this act to take effect at once, and it is therefore enacted that this act take effect and be in force from and after its passage.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

See supplemental act approved April 1, 1881.

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**CHAPTER LXV.—An act to authorize the governor to appoint a district attorney for the fifteenth judicial district.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the governor be authorized to appoint a district attorney for the fifteenth judicial district of this State, who shall hold his office until the next general election.

**SEC. 2.** That, whereas a vacancy now exists in the office of district attorney for said district, and the district courts of said district are now in session, thus creating an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, it is so enacted.

Approved March 29, A. D. 1881.

Takes effect from passage.

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**CHAPTER LXVI.—An act making the office of county surveyor an office of record.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the surveyors of the several counties of this State shall record in a well bound book all the surveys in the county or district for which he was elected, with the plats thereof that he may make, whether private or official, and that such record shall be open to the inspection of the public; and for which service the surveyor may charge, in addition to the fees now allowed by law for field work, twenty cents per hundred words for such record.

**SEC. 2.** Certified copies of such record, under the official signature of the county surveyor, may be used in evidence in any of the courts of this State.

**SEC. 3.** The commissioners' courts are hereby required to furnish the county surveyors of their respective counties, on the requisition of such surveyors, a book or books of sufficient capacity to contain a record of all the surveys provided for in this act.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LXVII.—An act to amend article 4333 of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, and to provide for the registration of instruments relating to real estate in unorganized counties.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 4333 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, be amended so as to read as follows:

"Article 4333. All deeds, conveyances, mortgages, deeds of trust, or any other written contract relating to real estate, which are authorized to be recorded, shall be recorded in the county where such real estate, or a part thereof, is situated; *provided*, that all such instruments, when relating to real estate situated in an unorganized county, shall be recorded in the county to which such unorganized county is attached for judicial purposes; and when an unorganized county shall be organized, it shall be the duty of the commissioners' court of such newly organized county to procure from the county to which it was attached for judicial purposes, within two years from the date of organization, a transcript of all such records, which shall be taken and held as notice to all persons of the existence of such instruments; *provided further*, that nothing in this act shall be construed to affect the registration of any such instruments heretofore made, in either a land district to which any unorganized county may have been attached, or any county to which any unorganized county may have been attached for judicial purposes."

SEC. 2. Whereas, there is great uncertainty as to the proper place for the recording of such instruments relating to lands in unorganized counties, and in order to prevent litigation, an emergency exists and public necessity requires, that the rule requiring a bill to be read on three several days be suspended, and that this act go into effect and be in force from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

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CHAPTER LXVIII.—An act authorizing district courts to transfer cases of administration of estates of deceased persons and guardianship of minors, persons of unsound mind and habitual drunkards pending before them, to the county courts.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the judges of the district courts of this State may, by an order made and entered in open court upon the minutes of such court, upon the application in open court of any person interested as administrator, executor, heir, legatee, devisee, distributee, creditor or guardian in the administration of the estate of a deceased person, or in the guardianship of a minor, person of unsound mind, or habitual drunkard, pending in such court, transfer such administration or guardianship to the county court of the county in which such district court is there being held for further administration, upon satisfactory evidence that the county judge of said county is legally qualified to act as such in such administration.

SEC. 2. Be it further enacted, that all orders of transfer of estates of deceased persons, minors, persons of unsound mind, or habitual drunkards, from the district courts to the county courts for further administration

that may have heretofore been made by such district courts under conditions similar to those required by the first section of this act, shall be as valid to all intents and purposes as if made under the authority of this act.

SEC. 3. Immediately after the termination of the courts at which the order of transfer authorized by the first section of this act, is made, it shall be the duty of the clerk thereof to transmit all the papers relating to such administration or guardianship, together with a transcript, certified by him under the seal of said district court, or the record of all orders, judgments and decrees of such district court in relation to such estate, to the county clerk of his county, for which services he shall be allowed such fees as are now allowed him by law for similar services, to be paid as expenses of administration.

SEC. 4. The near approach of the close of the present session of the Legislature, and the public importance and necessity for the passage of this bill into a law at this session, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended; and, whereas, there are pending in many district courts in various counties of this State cases of administration upon estates of decedents and wards in which the county judges of such counties are legally qualified to sit; and, whereas, the interests of all persons concerned or interested in such cases of administration require that they should be transferred to said county courts for administration as soon as it is possible to be done; and, whereas, there is no law authorizing such transfers to be made, therefore, the above facts create an emergency that this bill should go into effect as a law from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

**CHAPTER LXIX.**—An act for holding a special term of the district court of the county of Freestone, for the trial of criminal causes, and for such other business of a criminal nature as may be lawfully considered in the district court.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That there shall be held a special term of the district court in and for the county of Freestone on the third Monday in April, 1881, for the trial of criminal causes, and for such other business of a criminal nature as may be lawfully considered in the district court, which term may continue in session for two weeks.

SEC. 2. The public necessity existing for the passage of a law authorizing the holding of a special term of the court, as provided in the first section of this act, at this session of the Legislature, and the very short time intervening between this date and the day fixed for adjournment, together with the fact that such necessity requires that said term of court should commence on the third Monday in April, proximo, create an imperative public necessity for the suspension of the constitutional rule requiring that this bill should be read on three several days, and an emergency under which this act should take effect and be in force from and after its passage, and said constitutional rule is suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 30, A. D. 1881.

Takes effect from passage.

**CHAPTER LXX.—An act to make an appropriation for the per diem pay of the officers, members and employes of the Seventeenth Legislature of the State of Texas.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the per diem pay of the officers, members and employes of the Seventeenth Legislature of the State of Texas.

**SEC. 2.** The comptroller shall draw his warrant on this appropriation for the senators, employes and officers of the senate, on the certificate of the president and secretary of the senate, and to the officers, members and employes of the house on the certificate of the speaker and chief clerk of the house.

**SEC. 3.** That this act take effect and be in force from and after its passage.

**SEC. 4.** The fact that there is a deficiency in the appropriation for the per diem pay of members, officers and employes of the Seventeenth Legislature, and that this session of said Legislature is drawing near to a close, and that this bill must be read on three several days in each house, unless the rule is suspended, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each house; therefore said rule is suspended.

Approved March 30, A. D. 1881.

Takes effect from passage.

**CHAPTER LXXI.—An act to restore to, and confer upon, the county courts of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman, Bowie, Brown, Morris and Camp counties, the civil and criminal jurisdiction heretofore belonging to them under the constitution and general statutes of the State, and to conform the jurisdiction of the district courts of said counties to such change.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the county courts of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman, Bowie, Brown, Morris and Camp counties, shall hereafter have exclusive original jurisdiction in civil cases, when the matter in controversy shall exceed in value two hundred dollars and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district courts of said counties, when the matter in controversy shall exceed five hundred, and not exceed one thousand dollars.

**SEC. 2.** Said county courts shall have appellate jurisdiction in civil cases over which the justices' courts have original jurisdiction, when the judgment of the court appealed from, or, the amount in controversy shall exceed twenty dollars; exclusive of costs; and said county courts shall also have power to hear and determine cases brought up from the justices' courts by certiorari, under the provisions of the title of the Revised Civil Statutes relating thereto.

**SEC. 3.** The county judges of said counties shall have authority, either in term time or in vacation, to grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari and supersedeas,

and all other writs necessary to the enforcement of the jurisdiction of said courts and shall also have power to issue writs of habeas corpus in all cases in which the constitution has not conferred the power on the district courts or judges thereof.

SEC. 4. Said county courts shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said courts have jurisdiction.

SEC. 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars; and said courts shall also have appellate jurisdiction in criminal cases, of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.

SEC. 6. The district courts of said counties of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman, Bowie, Brown, Morris and Camp, shall no longer have jurisdiction of cases of which the county courts of said counties, by the provisions of this act, have exclusive original or appellate jurisdiction; and it shall be the duty of the district clerks of said counties, within twenty days after the passage of this act, to make a full and complete transcript of all orders on their respective dockets in cases now pending before said district courts, of which cases, by the terms of this act, exclusive jurisdiction is given to the county courts, and to deliver said transcripts, together with the original papers, and a certified bill of costs in each case, to the county clerks of their respective counties, and said county clerks shall enter said cases on their respective dockets for trial by said county courts.

SEC. 7. The county courts of said counties shall hereafter hold their regular terms for civil and criminal business as provided in the constitution and general laws of the State, and all process heretofore issued from the district courts of said counties, in cases to be transferred under this act to the county courts, shall be returnable to the first term of the proper county court, and all civil cases so transferred shall be entered as appearance causes upon the dockets of the respective county courts.

SEC. 8. The crowded condition of the dockets of the district courts of said counties, creates an emergency and imperative public necessity that the rule be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

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**CHAPTER LXXII.**—An act to amend certain articles of chapter 2, of title 78, of the Revised Civil Code, said chapter 2 being entitled "Agricultural and Mechanical College."

SECTION 1. Be it enacted by the Legislature of the State of Texas, That articles 3684, 3685, 3687, 3689, 3692, of chapter 2, title 78, of the Revised Civil Code, shall be so amended as hereafter to read as follows, and that another article, to be called article 3692a, be added thereto:

"Article 3684. The board of directors of said college shall consist of five members.

"Article 3685. The directors provided for in the preceding article shall be appointed by the governor, to be selected from different sections

of the State, and shall hold office for six years or during good behavior, and until their successor are qualified."

"Article 3687. The governor shall be authorized to call said board together after their appointment, and said board shall, at their first meeting, elect from their number a president of the board, who shall thereafter be authorized to call said board together for the transaction of business whenever he deems it expedient, and a majority of said board shall constitute a quorum for the transaction of business."

"Article 3689. Each of said directors shall receive their actual expenses incurred in attending the meetings of the board, to be paid out of the interest of the university fund, on accounts certified by them respectively to be correct, and approved by the governor."

"Article 3692. The secretary of state shall forward a certificate to each director within ten days after his appointment notifying him of the fact of such appointment, and should any director so appointed and notified, fail for ten days to give notice to the governor of his acceptance, his appointment shall be deemed void, and his place filled as in case of vacancy.

"Article 3692a. There shall be maintained and instructed at said college annually, free of charge to them, three students from each senatorial district in this State, one of whom shall be appointed by the senator of such district, and the other two by the representatives thereof. One-half of said students so appointed shall be compelled to take an agricultural, and the other half a mechanical course of study, to be assigned thereto by the president of said college; and in order to pay their expenses the comptroller, on proper vouchers being filed in his office by the directors, is authorized to draw his warrant on the state treasurer, against any appropriation made for that purpose. All laws and parts of laws in conflict with the foregoing amendments are hereby repealed."

SEC. 2. The fact that the session of the Legislature is drawing to a close, and the importance of this measure for the support and maintenance of the Agricultural and Mechanical College of Texas creates an imperative public necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

CHAPTER LXXIII.—An act to provide for the protection of the title of the State to the university lands lying in McLennan and Hill counties.

WHEREAS, Certain parties have disputed the title of the State to certain of the university lands lying in McLennan and Hill counties, and certain suits are now pending in regard to the said lands in the district court of McLennan county;

And, whereas, there is no provision of law fixing the venue of suits involving the title to the said lands in any court holding sessions near the seat of government; therefore,

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the governor and the attorney general are hereby authorized to em-



ploy competent counsel to defend the title of the State to the university lands lying in McLennan and Hill counties, and to bring all suits, and use such other means as may be necessary to maintain the State's title to said lands.

SEC. 2. The sum of three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the interest of the university fund to pay attorneys' fees, and other necessary expenses, in carrying out the purposes of this act.

SEC. 3. That owing to the near approach of the close of the session, and there being no law in force regulating this subject, there exists an imperative public necessity and an emergency for the suspension of the rules and the immediate passage of this act; and it is therefore enacted that this act go into effect and be in force from and after its passage.

Approved March 30, A. D. 1881.

Takes effect from passage.

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CHAPTER LXXIV.—An act to establish the twelfth, seventeenth, twentieth and thirty-third judicial districts, and to prescribe the times of holding courts in said districts, and in the thirtieth district; to provide for the appointment of a district attorney in the twentieth and a district judge in the thirty-third judicial districts, and to provide for holding terms of the district court in certain counties now unorganized.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the counties of Stephens, Shackelford, Mitchell, Nolan, Taylor, Callahan and Eastland be and the same are hereby constituted the twelfth judicial district.

SEC. 2. That the counties of Williamson, Burnet, Lampasas, Comanche, Brown, Coleman and Runnels be and the same are hereby constituted the seventeenth judicial district.

SEC. 3. That the counties of Pecos, Presidio and El Paso be and the same are hereby constituted the twentieth judicial district.

SEC. 4. That the counties of San Saba, Llano, Gillespie, Kimble, Mason, Menard, McCulloch, Concho and Tom Green be and the same are hereby constituted the thirty-third judicial district.

SEC. 5. That the district courts shall be held in the twelfth judicial district as follows: In the county of Stephens on the first Mondays in February and September, and may continue in session two weeks; in the county of Shackelford on the third Mondays in February and September, and may continue in session two weeks; in the county of Mitchell on the fourth Monday after the first Mondays in February and September, and may continue in session two weeks; in the county of Nolan on the sixth Monday after the first Mondays in February and September, and may continue in session two weeks; in the county of Taylor on the eighth Monday after the first Mondays in February and September, and may continue in session three weeks; in the county of Callahan on the eleventh Monday after the first Monday in February and September, and may continue in session two weeks; in the county of Eastland on the thirteenth Monday after the first Mondays in February and September, and may continue in session until the business is disposed of.

SEC. 6. That the district courts shall be held in the seventeenth judicial district as follows: In the county of Williamson on the first Mon-

days in January and July, and may continue in session six weeks; in the county of Comanche on the first Mondays in March and September, and may continue in session two weeks; in the county of Brown on the third Mondays in March and September, and may continue in session two weeks; in the county of Coleman on the fourth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Runnels on the sixth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Burnet on the eighth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Lampasas on the tenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 7. That the district courts in the twentieth judicial district shall be held as follows: In the county of Pecos on the first Mondays in March and September, and may continue in session two weeks; in the county of Presidio on the third Monday after the first Mondays in March and September, and may continue in session three weeks; in the county of El Paso on the sixth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of; *provided*, that it shall not conflict with the time herein fixed for holding the district courts in Pecos county.

SEC. 8. That the district courts in the thirtieth judicial district shall be held as follows: In the county of Palo Pinto on the first Mondays in March and September, and may continue in session two weeks; in the county of Hood on the third Mondays in March and September, and may continue in session two weeks; in the county of Somervell on the fourth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Erath on the fifth Monday after the first Mondays in March and September, and may continue in session five weeks; in the county of Hamilton on the tenth Monday after the first Mondays in March and September, and may continue in session three weeks; in the county of Coryell on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 9. That the district courts in the thirty-third judicial district shall be held as follows: In the county of San Saba on the first Mondays in March and September, and may continue in session two weeks; in the county of McCulloch on the third Mondays in March and September, and may continue in session two weeks; in the county of Concho on the fourth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Tom Green on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Menard on the seventh Monday after the first Monday in March and September, and may continue in session two weeks; in the county of Kimble on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Mason on the eleventh Monday after the first Mondays in March and September, and may continue in session one week; in the county of Gillespie on the twelfth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Llano on the fourteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

SEC. 10. That all process heretofore issued or served, returnable in any of the counties of said judicial districts, shall be considered as returnable at the times herein prescribed, and all such process is hereby legalized and validated.

SEC. 11. That the county of Fisher shall be attached to the county of Nolan, and the counties of Scurry, Howard, Borden, Dawson Martin, Andrews and Gaines to the county of Mitchell, for judicial purposes.

SEC. 12. That immediately upon the organization of any of the unorganized counties herein mentioned, the district judge of the twelfth judicial district shall fix a time for holding two terms of the district court in such county or counties, for each year, and shall thereafter hold said courts at the time as fixed.

SEC. 13. That immediately after the passage of this act the governor shall appoint suitable persons as judge of the thirty-third and district attorney for the twentieth judicial districts.

SEC. 14. That the district judges heretofore elected in and for the twelfth, seventeenth and twentieth judicial districts shall continue in the exercise of their said offices respectively of the twelfth, seventeenth and twentieth judicial districts, as described by the provisions of this act.

SEC. 15. That the district attorneys elect now exercising the functions of their offices in the twelfth and seventeenth judicial districts shall be the district attorneys of the twelfth and seventeenth judicial districts; as prescribed by the provisions of this act; that the district attorney elect of the twentieth judicial district, resident in the county of Tom Green, shall be the district attorney of the thirty-third judicial district, as prescribed by the provisions of this act.

SEC. 16. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 17. That an imperative public necessity and an emergency exist for holding the district courts in said judicial districts, in accordance with the provisions of this act; therefore this act shall take effect and be in force from and after its passage, and it is so enacted.

SEC. 18. That the large amount of business now pending before this Legislature, and the short time allotted to the session, and the short time from now until the time for the beginning of the courts, in accordance with the provisions of this act, create an imperative necessity, which authorizes the rule to be suspended which requires the bill to be read on three several days, and it is therefore suspended.

Approved March 30, A. D. 1881.

Takes effect from passage.

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## CHAPTER LXXV.—An act to establish the University of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That there be established in this State, at such locality as may be determined by a vote of the people, an institution of learning, which shall be called and known as the University of Texas. The medical department of the university shall be located, if so determined by a vote of the people at a different point from the university proper, and as a branch thereof; and the question of the location of said department shall be submitted to the people and voted on separately from the propositions for the location of the main university. The nominations and elections for the loca-

tion of the medical department shall be subject to the other provisions of this act, with respect to the time and manner of determining the location of the university.

SEC. 2. An election shall be held on the first Tuesday of September, 1881, for the purpose of locating the University of Texas, and the governor is hereby authorized and instructed to issue his proclamation ordering an election on said day for said purpose, and returns of said election shall be made in the manner prescribed in the general election law.

SEC. 3. All localities put in nomination for the location of the university shall be forwarded to the governor at least forty days anterior to the holding of said election, and the governor shall embrace in his proclamation ordering said election, the names of said localities; *provided*, that any citizen may vote for any locality not named in said proclamation.

SEC. 4. The locality receiving the largest number of votes shall be declared elected, and the university shall be established at such locality; *provided*, that the vote cast for said locality shall amount to one-third of the votes cast; but if no place shall receive one-third of the entire vote cast, another election shall be ordered within ninety days of the first election, between the two places receiving the highest number of votes, and the one receiving the highest number at said second election shall be declared to be selected by the people as the location of the University of Texas.

SEC. 5. The government of the university shall be vested in a board of regents, to consist of eight members selected from different portions of the state, who shall be nominated by the governor, and appointed by and with the advice and consent of the Senate.

SEC. 6. The board of regents shall be divided into classes, numbered one, two, three and four, as determined by the board at their first meeting; shall hold their office two, four, six and eight years respectively, from the time of their appointment. From and after the first of January, 1883, two members shall be appointed at each session of the Legislature to supply the vacancies made by the provisions of this section, and in the manner provided for in the preceding section, who shall hold their offices for eight years respectively.

SEC. 7. The regents appointed pursuant to the fifth section of this act, and their successors in office, shall have the right of making and using a common seal and altering the same at pleasure.

SEC. 8. The regents shall organize by the election of a president of the board of regents, from their own number, who shall hold his office during the pleasure of the board. They shall establish the departments of a first-class university, determine the officers and professorships, appoint the professors (who shall constitute the faculty, with authority to elect their own chairman) and other officers, fix their respective salaries, and to enact such by-laws, rules and regulations as may be necessary for the successful management and government of the university; *provided*, that the salaries and expenses of the university shall never exceed the interest on the university fund and land sales fund, or ever become a charge on the general revenue of the State.

SEC. 9. The immediate government of the several departments shall be intrusted to their respective faculties, subject to joint supervision of the whole faculty, but the regents shall have power to regulate the courses of instruction, and prescribe, by and with the advice of the professors, the books and authorities used in the several departments, and

to confer such degrees and to grant such diplomas as are usually conferred and granted by universities.

SEC. 10. The regents shall have power to remove any professor, tutor or other officer connected with the institution, when, in their judgment, the interest of the university shall require it.

SEC. 11. The fee of admission to the university shall never exceed thirty dollars, and it shall be open to all persons in the State who may wish to avail themselves of its advantages, and to male and female on equal terms, without charge for tuition, under the regulations prescribed by the regents, and all others under such regulations as the board of regents may prescribe.

SEC. 12. The treasurer of the State shall be the treasurer of the university.

SEC. 13. It shall be the duty of the governor, within thirty days after the location of the university shall have been determined, to convene the board of regents at the city of Austin for the following purposes:

First.—To effect the permanent organization of said board.

Second.—To adopt such regulations as they may deem proper for their government.

SEC. 14. Meetings of the board shall be called in such manner and at such place as the regents may prescribe, and a majority of them so assembled shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

SEC. 15. It shall be the duty of the board of regents, after the organization of the board of regents, to meet at the place chosen for the university for the following purposes:

First.—To establish the departments of the university.

Second.—To define the general plan of the university buildings.

Third.—To advertise for plans and specifications of the same.

Fourth.—To take such action as may be deemed advisable for the creation of professorships and the election of professors.

Fifth.—To take such other action as may be deemed necessary for perfecting the organization of the university.

SEC. 16. After the plan and specifications of the building shall have been adopted, it shall be the duty of the board of regents to advertise for bids for the construction of the same, and to proceed as soon as practicable to the erection of the same. The buildings to be substantial and handsome, but not loaded with useless and expensive ornamentation; *provided*, that the cost of the buildings shall not exceed one hundred and fifty thousand (\$150,000) dollars; *and, provided further*, that said building shall be so constructed as to admit of additions thereto, without marring the harmony of the architecture.

SEC. 17. The regents are empowered, and it shall be their duty to purchase the necessary furniture, library, apparatus, museum and other appliances; *provided*, that the amount expended for said purposes shall not exceed forty thousand dollars.

SEC. 18. The regents shall have authority to expend the interest which has heretofore accrued, and may hereafter accrue, on the permanent university fund, for the purposes herein specified, and for the maintenance of the branches of the university; and the said interest is hereby appropriated for this purpose.

SEC. 19. All expenditures shall be made by the order of the board of regents, and the same shall be paid on warrants of the comptroller,

based on vouchers approved by the president and countersigned by the secretary.

SEC. 20. No religious qualification shall be required for admission to any office or privilege in the university; nor shall any course of instruction of a sectarian character be taught therein.

SEC. 21. The board of regents shall report to the board of education annually, and to each regular session of the Legislature, the condition of the university, setting forth the receipts and disbursements, the number and salary of the faculty, the number of students, classified in grades and departments, the expenses of each year, itemized, and the proceedings of the board and faculty fully stated.

SEC. 22. There shall be appointed by the Legislature, at each regular session, a board of visitors, who shall attend the annual examinations of the university and its branches, and report to the Legislature thereon.

SEC. 23. The reasonable expenses incurred by the board of regency and visitation, in the discharge of their duties, shall be paid from the available university fund.

SEC. 24. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER LXXVI.—An act to amend article 4608, title 94, chapter 4, of the Revised Statutes of the State of Texas, to provide for preventing certain animals from running at large in counties and subdivisions.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 4608, title 94, chapter 4, of the Revised Statutes of the State of Texas, be amended so as to read as follows:

"Article 4608. If no owner can be found of stock so impounded, the taker-up may, after the expiration of five days, make affidavit before a justice of the peace of the county, describing the stock impounded by him, and that the owner is unknown to affiant, which affidavit shall forthwith be delivered to the county clerk by such justice, to be kept in his office for inspection. After the filing of such affidavit the taker up may sell such stock, as in case where the owner is known, and if anything remains after satisfying his fees and damages, he shall report the sum under oath to the clerk of the county court, and pay the same over to the county treasurer, to be received and disbursed by him as in case of sales of estrays, or, the taker-up may, at his option, after the expiration of five days, stray such stock according to the laws regulating estrays in this State."

SEC. 2. Whereas, there is an imperative public necessity existing for a change in the law upon the subject of hogs, sheep and goats running at large in certain counties and subdivisions where the stock law has been voted, when the owner thereof is unknown, thus creating an emergency that demands that the constitutional rule which requires a bill to be read on three several days be suspended, and it is accordingly suspended, and this act take effect and be in force from and after its passage.

Approved March 31, A. D. 1881.

Takes effect from passage.

**CHAPTER LXXVII.**—An act to authorize towns and villages heretofore incorporated by the Congress of the Republic or the Legislature of the State, to amend their charters.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That towns and villages heretofore incorporated by the Congress of the Republic or the Legislature of the State may, by a resolution of the board of aldermen and a two-thirds vote of the voters at an election held therefor, amend their charters in any particular not in conflict with the constitution of the State or the Revised Statutes.

**SEC. 2.** In order to amend the charter of any town or village it shall be necessary before said amendment shall go into effect, for the board of aldermen to adopt a resolution setting forth the amendment, and a certified copy of the same shall be approved by the attorney general and recorded in the office of secretary of state before the same shall take effect.

**SEC. 3.** The early day fixed for adjournment creates an imperative public necessity for the suspension of the constitutional rule requiring this bill to be read on three several days be suspended, and it is so suspended.

Approved March 31, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER LXXVIII.**—An act to make an appropriation for the propagation and preservation of fish, and to build fish-ways and fish-ladders, and to authorize the governor to appoint a fish commissioner, and to repeal all laws in conflict herewith.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That it shall be the duty of all persons, firms or corporations, who have erected, or who may hereafter erect, any mill dam, water-weir, or other obstructions of weirs, on streams within the waters of this State, within six months after the passage of this act, to construct and keep in repair fish-ways or fish-ladders, at such mill-dam, water-weirs or obstructions, so that at all seasons of the year fish may ascend above such dam, weirs or obstructions to deposit their spawn. Any firm, corporation or person, owning such mill-dam or obstructions, who shall fail or refuse to construct or keep in repair such fish-ways or fish-ladders, after having been notified and required by the fish commissioner to do so, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, nor less than twenty-five dollars, for every such neglect or refusal.

**SEC. 2.** The governor is hereby authorized to appoint a fish commissioner, by and with the consent of the Senate, who shall be a person well versed in ichthyology, who shall hold his office for the term of two years, or until his successor in office shall have qualified, who shall discharge all the duties appertaining to his office, and therefor receive an annual salary of fifteen hundred dollars; and in the event of a vacancy in said office the governor shall appoint a temporary successor.

**SEC. 3.** That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby annually appropriated, from any moneys in the treasury not otherwise appropriated, to be used by the

fish commissioner of the state for the preservation and distribution of said fish, in the rivers, rivulets, creeks, tanks, ponds, and other waters in the State of Texas; the expenditures of same to be audited and paid in the same manner and under the laws governing other expenses of government of the State of Texas.

SEC. 4. That the said fish shall be distributed, upon requisitions of the commissioners' courts of the various counties of this State, to said counties, in such numbers as, in the discretion of the fish commissioner, is just and equitable; *provided*, the expenses incurred in the transportation of fish distributed under the provisions of this act shall be defrayed by the county or counties receiving the same, to be paid out of the county treasury; *and provided, however*, that any individual or individuals making requisitions for fish through their respective commissioners' courts, for private use, shall bear the expense of transportation from the place of distribution to the place of delivery.

SEC. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 6. That whereas the season for the young spawn being now at hand, and that the fish commissioner of Texas may be enabled to obtain a supply of the same for this State, for distribution this year, an emergency exists for the immediate passage of this act, and public necessity imperatively requires the suspension of the constitutional rule requiring bills to be read on three several days, it is so enacted, and this bill to go into effect from and after its passage.

Approved March 31, A. D. 1881.

Takes effect from passage.

CHAPTER LXXIX.—An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883:

EXECUTIVE OFFICE	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883
For salary of governor .....	\$4,000	\$4,000
"    private secretary .....	1,500	1,500
"    "    clerk .....	900	900
telegraphing .....	300	300
books and stationery .....	300	300
postage .....	200	200
porter hire executive office .....	360	360
labor to keep executive mansion and grounds in order, and other contingent expenses for same .....	500	500
wood, lights, etc., executive office .....	200	200
gas for mansion .....	200	200



	YEARS ENDING.	
	Feb. 28, 1882.	Feb. 28, 1883.
<b>EXECUTIVE OFFICE—CONTINUED.</b>		
For the payment of rewards and for paying attorneys for prosecuting offenders against the laws of this State; for representing the State in civil cases, and for necessary expenses of suits, to be under the control and paid upon warrants issued on certificates of the governor.....	\$20,000	\$20,000
furniture and contingents for the executive office.....	400	
keeping governor's mansion in repair.....	500	500
<b>STATE DEPARTMENT.</b>		
For salary of secretary of state.....	2,000	2,000
“ chief clerk.....	1,500	1,500
“ one clerk.....	1,200	1,200
“ one clerk.....	900	900
postage.....	1,200	1,200
freight and express.....	200	200
books and stationery.....	400	400
lights.....	25	25
wood.....	100	100
fixing file and book room.....	300	
contingent expenses.....	50	50
printing material for deaf and dumb asylum...	5,000	
public printing.....	20,000	20,000
advertising constitutional amendments to be submitted to the people before the next meeting of the Legislature, or so much thereof as may be necessary.....	20,000	
expert and clerk printing board.....	1,500	1,500
porter hire state department and department of education.....	360	360
<b>TREASURY DEPARTMENT.</b>		
For salary of treasurer.....	2,500	2,500
“ chief clerk.....	1,800	1,800
“ one additional clerk.....	900	900
“ bookkeeper.....	1,500	1,500
“ two additional bookkeepers, to be paid one-half out of the university fund, and one-half out of the proceeds of the sales of the common school lands.	3,000	3,000
salary of night watchman.....	900	900
“ porter, to act as messenger also.....	600	600
books and stationery.....	250	250
wood and lights.....	150	150
postage.....	200	200
contingent fund.....	50	50
shelves and preservation of papers.....	250	
iron railing for protection of treasurer's office..	250	
to pay storage on bonds of the State on deposit in New York, and expenses of transporting them to Texas.....	100	

COMPTROLLER'S OFFICE.	YEARS ENDING.	
	Feb. 28, 1882.	Feb. 28, 1883.
For salary of comptroller.....	\$2,500	\$2,500
“ chief clerk.....	1,800	1,800
“ correspondence clerk.....	1,500	1,500
“ one auditing clerk.....	1,500	1,500
“ one bookkeeper.....	1,500	1,500
“ one receiving clerk.....	1,500	1,500
“ one deposit warrant clerk.....	1,200	1,200
“ one tax clerk.....	1,500	1,500
“ one tax sales clerk.....	1,500	1,500
“ one back tax clerk.....	1,200	1,200
“ one redemption clerk.....	1,200	1,200
“ one examining clerk.....	1,200	1,200
“ one warrant clerk.....	1,500	1,500
“ eight first assistant clerks.....	9,600	9,600
salary of assistant clerks at an average of \$75 per month.....	12,600	12,600
wood.....	250	250
telegraphing, postage for correspondence and assessment rolls.....	2,500	2,500
contingent expenses and repairs on building.....	500	
books, stationery and binding rolls.....	2,000	2,000
porter and messenger hire.....	400	400
LUNATIC ASYLUM.		
For salary of superintendent.....	2,000	2,000
“ ass't superintendent and apothecary.....	1,500	1,500
“ steward.....	900	900
“ matron.....	400	400
“ twelve male wards, at \$20 per month.....	2,880	2,880
“ ten female wards.....	2,400	2,400
“ five seamstresses.....	1,200	1,200
“ five laundresses.....	1,200	1,200
“ one night watchman and one night watchwoman.....	600	600
“ one gardener.....	360	360
“ one scavenger.....	200	200
“ one chief cook.....	360	360
“ two assistant cooks.....	480	480
“ one carpenter.....	360	360
“ one baker.....	480	480
“ two farm laborers.....	400	400
medical stores.....	1,000	1,000
dry goods, bedding and clothing.....	6,000	6,000
groceries, provisions and wood.....	27,500	27,500
forage.....	500	500
repairs.....	1,500	1,500
transportation of patients.....	2,000	2,000
miscellaneous purposes.....	600	600
additional buildings.....	100,000	
sewerage.....	7,500	

## LUNATIC ASYLUM—CONTINUED.

	YEARS ENDING	
	Feb. 28, 1882.	Feb. 28, 1883.
For water works and heating apparatus for old and new buildings.....	\$30,000	
support of increased inmates for the years 1882 and 1883.....	5,000	\$10,000
additional employes.....	2,000	3,000
furniture for buildings.....	5,000	

All moneys arising from the board and treatment of non-indigent patients of this department to be applied in part toward this appropriation, and the said moneys shall be paid over to the state treasurer monthly.

## GENERAL LAND OFFICE.

For salary of commissioner.....	\$2,500	\$2,500
“ chief clerk.....	2,000	2,000
“ Spanish clerk.....	1,500	1,500
“ receiving clerk.....	1,700	1,700
“ examining clerk.....	1,500	1,500
“ calculator.....	1,200	1,200
“ first assistant clerk.....	1,300	1,300
“ two filing clerks—one at \$1,100, and one at \$900.....	2,000	2,000
“ two corresponding clerks.....	2,200	2,200
“ principal patent clerk.....	1,100	1,100
“ fourteen assistants at not more than \$75 per month.....	12,600	12,600
“ chief draughtsman.....	1,800	1,800
“ four compiling draughtsmen.....	6,000	6,000
“ eight assistant draughtsmen.....	9,600	9,600
“ one abstract clerk.....	1,200	1,200
“ one night watchman.....	500	500
“ one porter.....	360	360
stationery, books and furniture.....	3,000	3,000
postage.....	750	750
wood.....	250	250
contingent expenses.....	100	100
lithographic maps.....	2,000	
repairs on buildings.....	1,000	

## BLIND ASYLUM.

For salary of superintendent.....	2,000	2,000
“ school, music and shop teachers.....	5,000	6,000
“ matron and nurse.....	400	400
“ assistant matron and nurse.....	300	300
“ teacher of sewing and seamstress.....	300	300
“ oculist.....	600	600
“ cook and assistants.....	400	400
“ three laundresses.....	450	450
groceries, provisions and miscellaneous.....	14,000	14,000
repair fund.....	1,500	1,500
four pianos and two organs.....	1,200	
one range for kitchen.....	300	300

	YEARS ENDING	
	Feb. 28, 1882.	Feb. 28, 1883.
<b>BLIND ASYLUM—CONTINUED.</b>		
For bookkeeper and steward.....	\$500	\$500
new furniture and bedding.....	2,000	
erection of new buildings and repair of old ones.	25,000	
furniture for old and new buildings.....	3,000	
<b>PENITENTIARY.</b>		
For carrying prisoners.....	40,000	40,000
completing improvements at Rusk penitentiary, water supply, drainage and heating.....	35,000	
The improvement and security of the State peni- tentiaries, which amounts shall be expended under the control and direction of the State penitentiary board the proceeds of the present lease, which expires January 1, 1883.		
library at Rusk.....	500	
“ Huntsville.....	500	
To enable the governor to carry on and pay the ex- penses of the penitentiaries, should the State re- sume control of the same, but the appropriation to be used in no other event.....	40,000	
<b>QUARANTINE.</b>		
For pay of health officers and for expenses incurred under quarantine laws of this State.....	20,000	20,000
construction and repairs of quarantine stations at east end of Galveston island, Brazos Santiago, Aransas Pass and Pass Cavallo, Orange, Sa- bine Pass, and such other points as may be found necessary.....	16,000	
<b>DEAF AND DUMB ASYLUM</b>		
For pay of superintendent.....	2,000	2,000
“ principal.....	1,000	1,000
“ school teacher.....	600	600
“ five additional teachers at \$40 per month.	2,400	2,400
“ secretary and steward.....	500	500
“ matron.....	360	360
“ assistant matron, etc.....	300	300
“ night watchman.....	360	360
“ three washers and ironers.....	450	450
“ two cooks.....	420	420
“ gardener and farmer.....	180	180
“ monitor for boys.....	120	120
“ purchasing books.....	500	500
“ supplies and miscellaneous purposes.....	14,000	14,000
“ for furnishing bedding, stoves, farming implements, etc.....	1,500	1,500
“ completion of brick edifice and repairing buildings.....	4,500	
“ new furniture.....	1,500	

	YEARS ENDING.	
	Feb. 28, 1882.	Feb. 28, 1883.
<b>ATTORNEY GENERAL'S OFFICE.</b>		
For salary of attorney general.....	\$2,000	\$2,000
“ assistant attorney general and traveling expenses, etc.....	3,000	3,000
“ chief clerk.....	1,800	1,800
“ assistant clerk.....	1,000	1,000
stationery.....	200	200
postage.....	300	300
contingent expenses and repairing room.....	100	100
purchasing safe for office.....	200	
purchasing law books and current law literature.	1,000	100
wood and light.....	100	100
furniture for office.....	500	
fees in felony cases.....	1,500	1,500
new floor.....	50	
one porter for attorney general, and adjutant general's office, and insurance, statistics and history.....	360	360
<b>ADJUTANT GENERAL'S OFFICE.</b>		
For salary of adjutant general.....	2,000	2,000
“ chief clerk.....	1,200	1,200
stationery, postage and telegraph.....	200	200
fuel and contingent expenses.....	100	100
handling and transportation of arms, ammunition, etc.....	500	500
repairs arms, ammunition.....	150	150
making fence around arsenal.....	100	
the protection of the frontier and the suppression of lawlessness and crime, to be expended under the direction of the governor.....	80,000	60,000
<b>JUDICIARY DEPARTMENT.</b>		
For salary of three judges of supreme court.....	10,650	10,650
pay of sheriffs or bailiffs for attendance.....	300	300
books and stationery, supreme court.....	600	600
repairing, carpeting and furniture of supreme court rooms.....	811	
postage and contingent expenses.....	500	500
purchase of law books for supreme court library	1,000	1,000
porter hire.....	270	270
payment of fees and costs of sheriffs, clerks, district and county attorneys in felony cases....	210,000	210,000
publishing supreme court reports.....	5,000	5,000
publishing court of appeals reports.....	5,000	5,000
librarian of supreme court at Tyler, to be appointed by the chief justice of the supreme court, and to be under his control; and said librarian shall keep open said library from 9 a. m. to 5 p. m. of each day except Sundays, and when supreme court is in session shall keep open from 7 a. m. to 10 p. m.....	300	300

JUDICIARY DEPARTMENT—CONTINUED.	YEARS ENDING.	
	Feb. 28, 1882.	Feb. 28, 1883.
For librarian supreme court at Galveston.....	\$300	\$300
fuel and light for supreme court.....	500	500
repairing, carpeting and furniture of court of ap- peals rooms.....	800	
fuel and lights for court of appeals.....	500	500
postage and contingent expenses of court of ap- peals.....	500	500
salary of three judges of court of appeals.....	10,650	10,650
pay of sheriffs or bailiffs attendance on court of appeals.....	300	300
pay of clerks' fees, criminal costs in court of ap- peals.....	4,000	4,000
porter hire, court of appeals.....	270	270
books, stationery and furniture, court of appeals	900	900
pay of thirty-eight district judges.....	95,000	95,000
salary of judge of criminal district court, Galves- ton and Houston.....	2,500	2,500
salary of district attorneys.....	10,000	10,000
“ district attorney of criminal district courts, Galveston and Harris counties	500	500
“ of special district judges.....	5,000	5,000
“ of commissioners of appeals.....	10,650	10,650
blank books and stationery for commissioners of appeals.....	400	400
furniture for commissioners of appeals.....	400	
postage and contingent expenses.....	300	300
fuel and lights.....	250	250
porter hire.....	180	180
librarian of supreme court at Austin, to be ap- pointed by the chief justice of the supreme court, and to be under his control.....	300	300
repairs to the roof of the supreme court building at Austin.....	50	
DEPARTMENT OF INSURANCE, ETC.		
For salary of commissioner.....	2,000	2,000
“ one clerk, to be state librarian.....	1,000	1,000
stationery, postage, printing, fuel, lights, pur- chasing, binding, and express charges on books for public library, and for office furniture and express for procuring historical archives.....	500	500
subscription for newspapers for public library...	100	100
the dissemination of statistical information in the various States and in foreign countries in re- gard to climate, soil and resources of Texas, to be expended under the direction of the gov- ernor, secretary of state, secretary of board of education and commissioner of insurance, sta- tistics and history.....	5,500	5,500
labor upon public grounds and taking care of pub- lic buildings and shrubbery within the enclosure	600	600

DEPARTMENT OF INSURANCE, ETC.—CONTINUED.	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883.
For new fence and gates to State cemetery, for putting cemetery grounds in order, and for purchase of shrubbery.....	\$2,500	
keeping State cemetery in order, purchasing and setting out shrubbery.....	500	\$500

## EDUCATIONAL DEPARTMENT.

For salary of secretary of board of education, to be appropriated out of the available school fund..	2,000	2,000
support of Sam Houston Normal Institute for the years ending August 31, 1882, to August 31, 1883, out of the available school fund.....	18,000	18,000
roofing anew the building (Sam Houston Normal Institute), out of the available school fund....	2,000	2,000
support of Prairie View Normal Institute for the years ending August 31, 1882, to August 31, 1883, out of the university fund.....	6,000	6,000
repairs of buildings, purchase library, two mules, a wagon, and for miscellaneous property for use of Prairie View Normal Institute, out of university fund.....	2,000	

*Provided*, that in the qualifications of students for admission into said schools a knowledge of the Latin grammar and Algebra shall not be required.

For the purpose of maintaining, supporting, and instructing, free of charge, at the Agricultural and Mechanical College of Texas, one student for each representative in each representative district in the State, one-half of whom shall take an agricultural and the other half a mechanical course, out of the university fund....	7,500	7,500
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For the support of the public free schools for the year ending August 31, 1882 and 1883, one-fourth of all the general revenue that may be collected, exclusive of the cost of collection; all the annual poll tax levied for school purposes, exclusive of the cost of collection; and all the interest on the permanent school fund, including bonds and other interest-bearing indebtedness now or hereafter belonging to said permanent school fund, less the amount of the foregoing four appropriations out of the available school fund.

## MISCELLANEOUS.

For payment of interest on public debt.....	\$300,000	\$300,000
sinking fund.....	100,000	100,000
compensation of superintendents and the building commissioners, and for contingent expenses in disposing of capitol reservation lands, and for removing obstructions and building the new capitol, the amount of each expenditure to be determined by the governor, and paid on his order, to be reimbursed to general revenue out of sales of capitol lands, each amount to be irrespective of former enactments.....	10,000	10,000

MISCELLANEOUS—CONTINUED.	YEARS ENDING	
	Feb. 28, 1882.	Feb. 28, 1883.
For the purchase and retirement of outstanding bonds of the State, and not to be used until all amounts, other than this named in this and other appropriation bills, have been set aside from the general fund in the state treasury ..	1,000,000	1,000,000
This amount to be drawn from the state treasury by the treasurer, with the advice and consent of the governor and comptroller, in such sums as may be necessary from time to time to carry into effect the purposes of an act passed at the present session of the Legislature for the purchase and retirement of outstanding State bonds.		
For water supply for capitol grounds, executive mansion and land office for fire and other purposes	900	900
furnishing weights and measures for the different counties of this State.....	5,000	

SEC. 2. That the near approach of the close of this session, and the fact that the State government is without any appropriation for its support, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 1, A. D. 1881.

Takes effect from passage.

CHAPTER LXXX.—An act supplementary to and amendatory of “an act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years,” passed March 24, 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That an act entitled “An act making appropriations for deficiencies, beginning March 1, 1879, and ending February 28, 1881,” and passed March 24, 1881, be so amended as hereafter to read as follows:

“That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for deficiencies incurred in the support of the State government, for the period of time beginning March 1, 1879, and ending February 28, 1881, and for previous years:

#### JUDICIARY.

To pay costs due sheriffs, clerks and attorneys for the year ending February 29, 1880.....	\$28,145 67
To pay costs due sheriffs, clerks and attorneys for the year ending February 28, 1881 .....	10,000 00
To pay salaries of special judges for both years.....	607 87
To pay clerk's fees in felony cases in appellate court.....	2,730 00
To pay for stationery for appellate court.....	28 75
To pay extradition expenses for 1878.....	244 50
To pay rewards, etc., for year ending February 28, 1879, and previous years .....	4,000 00



## QUARANTINE.

To pay salaries and expenses of quarantine officers, for year ending February 29, 1880.....	\$6,735 21
To pay for building quarantine stations.....	2,845 05
To pay salaries and expenses of quarantine for the year ending February 28, 1881.....	2,584 30

## INSTITUTION FOR THE DEAF AND DUMB.

To pay for groceries, provisions, etc., for both years.....	3,527 00
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## INSTITUTION FOR THE BLIND.

To pay for groceries, provisions, etc., for both years....	1,200 00
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## PENITENTIARIES.

To pay for conveying prisoners to penitentiary for both years	13,938 40
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## AGRICULTURAL AND MECHANICAL COLLEGE.

To pay H. C. Edrington for moneys advanced to the Agricultural and Mechanical College.....	4,987 44
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## MISCELLANEOUS.

To pay J. G. Hamilton for carrying a prisoner charged with felony, adjudged insane, to lunatic asylum, from Delta county, in 1874.....	162 50
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To pay school superintendents and directors for the year beginning September 1, 1875, and ending August 31, 1876...	45,000 00
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To pay teachers and inspectors of public free schools, for services rendered prior to July 1, 1873, said claim to be audited by the comptroller in accordance with the laws under which said services were rendered, and acts on the subject, approved respectively on April 27, 1874, and July 6, 1876, the said comptroller to determine in all cases from information he may regard reliable, if said claims are honest and proper ones, notwithstanding they may be proved up or established as provided for in said acts, and this appropriation to include the \$30,000 appropriated for this purpose by the Sixteenth Legislature, \$75,000; and the comptroller shall have power to reject all such claims as he may find fraudulent, and said rejection shall forever bar the same. Should this amount be found insufficient to pay the claims audited by the comptroller, he shall *pro rate* the same among such audited claims; *provided*, that no claims not heretofore established or proved up under the laws under which the services were rendered, or under one of said acts, shall be audited hereunder; and no claim shall be audited, unless the same is filed in the comptroller's office within ninety days from the passage of this act. All claims not so filed within ninety days shall be forever barred.

To pay Tobin Bros.' bill of J. W. Van Dyke, for material and labor on public building in 1877.....	139 50
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To pay Levi Perryman for conveying three prisoners while sheriff of Montague county, viz: Robert Simmons, George Taylor and G. W. Hargraves, convicted of felony, from Montague county, Texas, to the State penitentiary at Huntsville, in July, 1879.....	369 00
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To pay Brush & White, and William Raatz, for material furnished to build green house on capitol grounds .....	\$247 27
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To pay debts of second class of the late Republic of Texas..	3,000 00
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SEC. 2. Whereas, the near approach of the close of the session of the

Legislature creates an imperative necessity that the constitutional rule requiring bills to be read on three several days in both houses of the Legislature, on three several days prior to its passage, be suspended, and the fact that the general deficiency bill, of which this is amendatory of, and supplementary to, has passed this session of the Legislature, but without the requisite two-thirds majority, so as to give it immediate effect, and the fact that there is ample money in the State treasury to pay off and discharge said deficiencies, and there being no reason why the State creditors should be further postponed for ninety days, creates an emergency that requires that this act take effect and be in force from and after its passage, and it is therefore enacted that the constitutional rule requiring this act to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

Approved April 1, A. D. 1881.

Takes effect from passage.

**CHAPTER LXXXI.**—An act to amend section five of an act entitled “an act to establish the University of Texas,” passed at the present session of the Legislature.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That section 5 of an act entitled “An act to establish the University of Texas,” passed at the present session of the Legislature, be so amended as hereafter to read as follows:

“Section 5. The government of the University shall be vested in a board of regents to consist of eight members, selected from different portions of the State, who shall be nominated by the governor, and appointed by and with the consent of the Senate; and should a vacancy occur by reason of the death, resignation or removal of any of the regents, or from any other cause, at a time when the Legislature is not in session, the governor shall have power to fill such vacancy until the meeting of the next succeeding Legislature.”

**SEC. 2.** The near approach of the end of the present session of the Legislature creates an emergency that the constitutional rule requiring bills to be read on three several days be suspended; and for the reason that the act establishing the University of Texas will not go into effect until after the adjournment of this session of the Legislature, thereby preventing the confirmation by the present Senate of a board of regents, there exists an imperative-public necessity that this act take effect from and after its passage, and it is so enacted.

Approved April 1, A. D. 1881.

Takes effect from passage.

**CHAPTER LXXXII.**—An act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and to punish them for failing to do so.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That there shall be appointed by the governor, by and with the advice and consent of two-thirds of the Senate, a convenient number of notaries

public for each county in this State, not less than five nor more than twenty, who shall hold their offices for the term of two years; *provided*, the term of office of all notaries now holding shall expire on the first day of June, 1881, and that notaries public appointed during the present and all regular biennial sessions of the Legislature, shall hold their offices for two years from the first day of June of the year in which said appointment was made.

SEC. 2. Every person who may be appointed a notary public, before he enters on the duties of his office, shall execute a bond with two or more good and sufficient sureties, to be approved by the clerk of the county court of his county, payable to the governor and his successors in office, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of his office; and shall also take and subscribe the oath of office prescribed by the constitution, which shall be endorsed on said bond, with the certificate of the officer administering the same; said bond shall be recorded in the office of the clerk of the county court, and deposited in said office, and shall not be void on the first recovery, and may be sued on in the name of any party injured from time to time until the whole amount thereof has been recovered.

SEC. 3. Every notary public, who shall be guilty of any wilful neglect of duty or malfeasance in office, may be removed from office in the manner provided by law.

SEC. 4. Whenever any notary public shall remove permanently from the county for which he was appointed, or an ex-officio notary public from his precinct, his office shall thereupon be deemed vacant.

SEC. 5. Every notary public shall provide a seal of office, whereon shall be engraved in the centre a star of five points, and the words "Notary public, county of \_\_\_\_\_, Texas," around the margin (the blank to be filled with the name of the county for which the officer is appointed), and he shall authenticate all his official acts therewith; and any notary public or other officer required by law to keep and use a seal, who shall, after the first of June, 1881, use in attesting any instrument, any seal, not such as is required by law to keep and use for that purpose, or shall fail or refuse to deliver to the county clerk of his county his seal, record books and all public papers pertaining to his office, or any of them, in case of his resignation or removal from the county, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum not less than one hundred dollars; *provided*, that such notary public shall have the right to sell his seal to any qualified notary public of his county.

SEC. 6. Whenever the office of notary public shall be vacated by resignation, removal or death, it shall be the duty of the county clerk of the county where said notary resides to obtain and deposit in his office the seal, record books, and all public papers belonging in the office of said notary; *provided*, that the seal of any notary vacating his office may be sold by the owner thereof to any qualified notary public in the county.

SEC. 7. Notaries public may take acknowledgments or proof of all instruments of writing in the manner provided by law, to entitle them to registration, and give certificates of all such acknowledgments and proofs under their hand and official seals; they may take the examination and acknowledgments of married women to all deeds and instruments of writing, conveying or charging their separate property, or their interest in the homestead, in the manner provided by law.

SEC. 8. Every notary public shall have power to administer oaths and give certificates thereof under his hand and official seal. He may take the proof or acknowledgments or all instruments of writing relating to commerce and navigation, and also letters of attorney and other instruments of writing, make declarations, and protest, and certify under his hand and seal the truth of the matters or things done by virtue of his office.

SEC. 9. Every notary public shall procure and keep a well bound book, in which shall be entered the date of all instruments acknowledged before him, the date of such acknowledgments, the name of the grantor or maker, the place of his residence, or alleged residence, whether personally known or introduced, and if introduced, the name and residence, or alleged residence, of the party introducing him; if the instrument be proved by a witness, the residence of such witness, whether such witness is personally known to him or introduced; if introduced, the name and residence of the party introducing him; the name and residence of the grantee; if land is conveyed or charged by such instrument, the name of the original grantee thereof shall be kept, and the county where the land is situated. The book herein required to be kept, and the statements herein required to be entered, shall be an original public record, and the same shall be open to inspection by any citizen at all reasonable times; and such notary public shall give a certified copy of any record in his office to any person applying therefor on payment of all fees thereon.

SEC. 10. Notaries public shall have power to take the depositions of witnesses in the manner prescribed by law; to attest the oath of any person to a petition or answer in any suit, and the same, when so attested, shall be valid in all the courts of this State.

SEC. 11. Copies of all records, declarations, protests and other official acts of notaries public, may be certified by the county clerk with whom they are deposited, and shall have the same authority as if certified by the notary by whom they were originally made.

SEC. 12. When notaries public have been appointed by the governor and shall have qualified, it shall be the duty of the secretary of state to furnish to the clerk of the county courts a printed list of all notaries public so appointed and qualified, and it shall be the duty of said clerks to preserve said list for public inspection, and post a copy thereof on the court house door.

SEC. 13. When a notary is appointed, the secretary of state shall forward the commission to the clerk of the county court of the county where the party resides, and the said clerk shall immediately notify said party to appear before him within ten days, pay for his commission and qualify according to law; *provided*, that if said party be absent from the county, or sick, at the time of reception of said commission by the clerk, then he shall have ten days from his return to said county in which to appear and qualify.

SEC. 14. The clerk receiving the commission shall indorse thereon the day on which notice was given, and if the party pay the State fee for commission and qualify according to law, the said clerk shall notify the secretary of state of his qualification, giving date of same, and remit the fee to said officer; but if the party fails to qualify and pay the fee within the limited time, the appointment shall be void and the clerk shall certify on the back of the commission that the party has failed to qualify and return it to the secretary of State.

SEC. 15. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 16. The near approach of the close of the present session of the Legislature, and the importance of the early appointment of the notaries public, creates an imperative public necessity and an emergency for the suspension of the constitutional rule requiring all bills to be read on three several days, and it is hereby suspended, and that the same take effect and be in force from and after its passage.

Approved April 1, A. D. 1881.

Takes effect from passage.

CHAPTER LXXXIII.—An act to amend title 34 of the Revised Civil Statutes of the State of Texas, by adding articles 1665a and 1665b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That title 34 of the Revised Civil Statutes of the State of Texas be amended by adding articles 1665a and 1665b, and by amending articles 1689 and 1702, so that the same shall read as follows:

"Article 1665a. Each unorganized county in the State of Texas shall constitute an election precinct, and the commissioners' court of a county to which an unorganized county is attached for judicial purposes shall, by an order duly spread on the minutes of the commissioners' court, designate one place within each unorganized county, at which all elections in such unorganized county shall be held.

"Article 1665b. It shall be the duty of the commissioners' court to which any unorganized county is attached for judicial purposes to appoint some suitable person in each of such unorganized counties, to serve as a presiding officer of elections in said unorganized county, which appointment shall be made in the same manner as in the appointment of presiding officers in election precincts in organized counties."

"Article 1689. All voters in any county shall vote in the election precinct in which they reside."

"Article 1702. Immediately after counting the votes, by the managers of election, the presiding officer shall place all the ballots voted, together with one poll list and one tally list, into a wooden or metallic box, and shall securely fasten the box with nails, screws or locks, and he shall, within ten days after the election, Sundays and the days of election excluded, deliver said box to the clerk of the county court of his county, or to the county to which the unorganized county is attached for judicial purposes, whose duty it shall be to keep the same securely; and in the event of any contest growing out of elections within one year thereafter, he shall deliver said ballot box to any competent officer having a process therefor, from any tribunal or authority authorized by law to demand such ballot box; *provided*, that all questions arising at any election board shall be settled and determined by the presiding officer and the judges, anything in any law to the contrary notwithstanding.

SEC. 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER LXXXIV.**—An act to ascertain what, if any, unpaid balance of salary is due Gustave Cook, as judge of the criminal district court of Galveston and Harris counties, and William Steele, late adjutant-general of the State of Texas, and making an appropriation therefor.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, In order to ascertain what, if any, amount of unpaid salary is due Gustave Cook, of Harris county, as judge of the criminal district court of Galveston and Harris counties, and William Steele, adjutant-general of the State of Texas, they are authorized, at their own expense, without cost to the State, to institute suit against the State of Texas in the district court of Travis county, which may be tried at this present or the next term thereof, after five days service, with right to appeal to both parties, to ascertain what, if any, amount is due Gustave Cook by the State for salary as judge of the criminal district court of Galveston and Harris counties, between the first day of January, 1879, and the first day of September, 1880; and what amount, if any, is due William Steele, as adjutant-general of the State of Texas, between the first day of September, 1876, to January 28, 1879; and the sum of three thousand dollars, or so much thereof as may be necessary, is appropriated out of any funds in the treasury not otherwise appropriated, to pay whatever sum, if any, may be ascertained by judgments to be due, and the comptroller shall draw his warrants in favor of such successful litigant or litigants, respectively, upon the treasurer for the amount or amounts, who shall pay the same.

**SEC. 2.** And if any sum or sums is found to have been due and unpaid by the State by final judgment or judgments in said suit or suits to the said Cook and Steele, because the same, in justice to them, should have been then paid, but is drawing no interest, nor will, it is manifest injustice to continue to detain the decision of the matter, as well as whatever may be found due, if anything. This is an emergency, and the act shall take effect from and after its passage.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER LXXXV.**—An act amendatory of article 3112, of title 58, of an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature of Texas, A. D. 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That article 3112 of the Revised Civil Statutes of the State of Texas, as adopted by the Sixteenth Legislature, of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Article 3112. When any rent or advances shall become due, or the tenant shall be about to remove from such leased or rented premises, or to remove his property from such premises, it shall be lawful for the person to whom the rents or advances are payable, his agent, attorney, assigns, heirs or legal representatives, to apply to a justice of the peace of the precinct where the premises are situated, or in which the property upon which a lien for rents or advances exists may be found, or to any justice having jurisdiction of the cause of action under chapter 5, article 1556, of the Revised Code, for a warrant to seize the property of such

tenant; *provided*, that when a distress warrant shall be issued by any justice, other than the justice of the peace of the precinct in which the rented premises may be situated, or in which the defendant may reside, such warrant shall be made returnable to, and the affidavit and bond upon which it is issued shall be transmitted by, the justice issuing such distress warrant to some justice of the precinct in which the rented premises may be situated, or in which the defendant may reside.

SEC. 2. Whereas, the near approach of the end of the present session creates an imperative public necessity requiring bills to be read on three several days to be suspended, therefore said rule is hereby suspended.

Approved April 4, A. D. 1881.

Take effect ninety days after adjournment.

CHAPTER LXXXVI.—An act to legalize and validate the ordinances of cities and towns, where said ordinances impose a penalty for their violation, and have not been published in the official journals as required by law, and to give force and effect to the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That whenever in any city or town in this State, incorporated under the provisions of the general charter for cities and towns contained in title 17, of the Revised Civil Statutes, the city council shall have, prior to the passage of this act, adopted any ordinance or ordinances which by the provisions of said charter are required to be published in the official journal of said city for ten days before taking effect, and shall have failed or neglected to make publication of said ordinances, but shall have had the same published in pamphlet form, such ordinance or ordinances are hereby validated and shall have force and effect from and after the passage of this act, in all respects the same as if they had been duly advertised.

SEC. 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the necessity for the preservation of law and order in the several towns and cities of this State creates an emergency that this act take effect from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect from passage.

CHAPTER LXXXVII.—An act to amend article 2395, chapter 3, of title 42, of the Revised Civil Statutes of the State of Texas, relating to compensation for ex-officio services of clerks of county courts.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 2395, of chapter 3, of title 42, of the Revised Civil Statutes of the State of Texas, shall hereafter read as follows:

"Article 2395. For all *ex-officio* services in relation to roads, bridges and ferries, issuing jury scrip, county warrants, and taking receipts therefor, services in *habeas corpus* cases, making out bar dockets, keeping county convict book, keeping record of trust funds, filing and docketing all papers for commissioners' court, keeping road overseer's book and list

of hands, recording all collection returns of delinquent insolvents, and list of lands sold to individuals for taxes, recording county treasurer's reports, recording reports of justices of the peace, recording reports of animals slaughtered, and services in connection with all elections, and all other public services not otherwise provided for, to be paid upon the order of the commissioners' court out of the treasury. The clerk shall receive the sum of not less than ten dollars nor more than twenty-five dollars per annum, for each one thousand inhabitants of his county; *provided*, that the total amount paid the clerk in any one year shall not be less than fifty nor more than five hundred dollars, said amount to be paid quarterly. No county clerk shall be compelled to file or record any instrument of writing, permitted or required by law to be recorded, until after payment or tender of payment of all legal fees for such filing or recording has been made; *provided*, that nothing herein shall be construed to include papers or instruments filed, or recorded in suits pending in the county court."

SEC. 2. The fact that the time for the adjournment of this session of the Legislature is so near that this bill cannot be considered by both houses unless the rule requiring it to be read on three several days is suspended, creates a necessity for the suspension of said rule, and it is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

#### CHAPTER LXXXVIII.—An act to amend article 3994, of title 80, of the Revised Civil Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 3994 of title 80 of the Revised Civil Statutes be so amended as to hereafter read as follows:

"Article 3994. The public printing shall be divided into four classes, as follows:

"First. The first class shall include the printing and binding of the laws, journals, department reports, governor's messages, and like documents, which shall be printed on white calendared No. 2 book paper, of uniform color, 24x38 inches in size, and weighing not less than forty-five pounds to the ream, on long primer type, (except tabular work, which may be in such type smaller than long primer as the nature of the work and good taste may require) the pages of the laws, department reports, governor's messages and like documents, to be fifty-seven ems long, including head and foot lines, and thirty-two ems wide, long primer measure, and not to contain less than one thousand eight hundred ems; and the journals shall be printed in quarto form, the pages to be seventy-two lines long and fifty-four ems wide, long primer measure, and not to contain less than thirty-eight hundred and sixteen ems, and all messages and reports appearing in the journals shall be printed in brevier type, and the ayes and noes shall also be printed in brevier type, in three columns. When printed the laws and reports shall be neatly folded, stitched and covered, and the journals and messages, folded, stitched and trimmed; cover paper shall be thirty-five pounds to the ream. The index to the laws shall be printed in like style and type as the index to the General Laws of the Ninth Legislature. The maximum prices for the work of



the first class shall be: For paper, white and cover, per ream, nine dollars, and no allowance shall be made for waste; composition, one dollar per thousand ems, printer's measurement; press work, sixteen pages to the form, unless the nature of the work requires a smaller number of pages, one dollar per token of two hundred and forty impressions or less; binding, fifty cents per one hundred for folding, stitching and covering first signature of sixteen pages, and twenty-five cents per one hundred for each additional signature of sixteen pages or less; for folding, stitching and trimming without covering forty cents per one hundred for first signature of sixteen pages, and twenty cents per one hundred for each additional signature of sixteen pages or less, but no matter shall be leaved except by the express direction of the printing board. The printing board shall, at the same time the contract is let for the printing of the journals of the two houses of the Legislature, include in said contract the printing and delivery of each day's proceedings of the two houses while in session, the same to be printed in quarto form as provided in this act for the printing of the regular journals of the two houses, one thousand copies for the use of the House of Representatives and five hundred copies for the use of the Senate, the same to be delivered by the hour of meeting of the day following that in which such proceedings were had.

"Second. Work of the second class shall consist of all blanks and printed stationery required by any department of the State Government except the judicial department, and shall be on first-class, sized and calendered white wove paper of such dimensions and weights as the nature of the work may require. The maximum rate of such work shall be as follows: For composition, ninety cents per thousand ems, printer's measurement; for press-work on forms the size of flat cap sheet or less, seventy-five cents per token; on forms larger than flat cap, one dollar per token, and a token shall be two hundred and forty impressions or less, when the number of blanks ordered shall require a less number of impressions. The maximum rate for paper required for work of the second class shall be as follows:

"Letter Paper.—Ten pounds to the ream, four dollars and twenty cents per ream; twelve pounds to the ream, five dollars and five cents per ream.

"Flat Cap Paper.—Twelve pounds to the ream, five dollars and five cents per ream; fourteen pounds to the ream, five dollars and ninety cents per ream; sixteen pounds to the ream, six dollars and seventy-five cents per ream; eighteen pounds to the ream, eight dollars and forty cents per ream.

"Demy Paper.—Twenty-eight pounds to the ream, eleven dollars and seventy-five cents per ream; thirty pounds to the ream, twelve dollars and sixty cents per ream.

"Folio Post Paper.—Eighteen pounds to the ream, seven dollars and sixty cents per ream; twenty-two pounds to the ream, nine dollars and twenty-five cents per ream; twenty-four pounds to the ream, ten dollars per ream.

"Medium Paper.—Twenty-eight pounds to the ream, eleven dollars and seventy-five cents per ream; thirty-six pounds to the ream, fifteen dollars per ream.

"Double Flat Cap Paper.—Twenty-eight pounds to the ream, eleven dollars and seventy-five cents per ream; thirty-two pounds to the ream, thirteen dollars and forty-five cents per ream; thirty-six pounds to the

ream, fifteen dollars per ream; forty pounds to the ream, sixteen dollars and eighty cents per ream.

"Super Royal Paper.—Fifty pounds to the ream, twenty-two dollars and seventy cents per ream.

"For ruling work of the second class the maximum price shall be forty cents per one hundred for each passage through the ruling machine. For binding work of the second class the maximum price shall be: For pads of one hundred sheets each, quarter sheet cap, demy or folio, twenty cents per pad; for quarter binding quarter sheet cap, demy or folio, forty cents per quire; for half binding quarter sheet cap, demy or folio, fifty cents per quire; half sheet cap, demy or folio, seventy-five cents per quire; for binding full skiver, quarter sheet cap, demy or folio, sixty cents per quire; half sheet cap, demy or folio, ninety cents per quire.

"Third. Work of the third class shall consist of blank books, either ruled or printed; or ruled without printing. The paper shall be sized and calendered, made of ~~liten~~ stock, and of the quality known among paper dealers as "P" paper, and the following shall be maximum rates:

"Cap Paper.—Eighteen pounds to the ream, plain, ruled, half bound, one dollar and twenty-five cents per quire; ditto, printed heads, one dollar and seventy-five cents per quire; ditto, plain ruled, extra full bound, two dollars per quire; ditto, printed heads two dollars and fifty cents per quire.

"Demy Paper.—Twenty-eight pounds to the ream, plain ruled, half bound, one dollar and fifty cents per quire; ditto, printed heads, two dollars per quire; ditto, plain ruled, extra full bound, two dollars and fifty cents per quire; ditto, printed heads, three dollars per quire.

"Medium Paper.—Thirty-six pounds to the ream, plain ruled, half bound, two dollars per quire; ditto, printed heads, two dollars and fifty cents per quire; ditto, plain ruled, extra full bound, three dollars per quire; ditto, printed heads, three dollars and fifty cents per quire.

"Medium Paper.—Forty pounds to the ream, plain ruled, extra full bound, four dollars per quire; ditto, printed heads, four dollars and fifty cents per quire.

"Super Royal Paper.—Fifty-four pounds to the ream, plain ruled, extra full bound, four dollars and fifty cents per quire; ditto, printed heads, five dollars per quire.

"Fourth. Work of the fourth class shall consist of the printing of bills, resolutions, committee reports and such other like work as may be ordered by the Legislature, or either house thereof, and shall be on first class sized and calendered, white wove flat cap paper, of twelve pounds to the ream, printed on pica type, lines numbered in the margin, with space between the lines of the size of pica, the printing to be thirty-six ems pica wide, and sixty-five ems in length. The maximum price for work of the fourth class shall be: for two hundred copies, or any number of copies less than two hundred ordered by either house of the Legislature, including composition, paper, presswork and binding, three dollars and twenty-five cents per page, for as many pages as are contained in one copy thereof, and when more than two hundred copies of work mentioned in this class are ordered by either house of the Legislature, the printer shall be paid only for the paper, presswork and binding of such additional copies, at such rates as are contracted for, for work of the second class."

SEC. 2. Nothing in this act shall be so construed as to interfere with y contract for printing heretofore made by the printing board, and

now in force; but the contractor for the printing of the journals shall have the right to conform the journals of the Seventeenth Legislature to the requirements of section 1 of this act.

SEC. 3. The near approach of the end of the present session of the Legislature, and the great saving of expense that will result from changing the form of the journals as herein provided, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect from passage.

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CHAPTER LXXXIX.—An act to amend section 10 of “an act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,” approved February 22, A. D. 1879.

SECTION 1 Be it enacted by the Legislature of the State of Texas, That section 10 of the above recited act be and the same is hereby amended so as to read as follows:

“Sec. 10. That the district courts in the counties composing the twenty-eighth judicial district shall be holden as follows: In the county of Bosque, on the third Mondays of January and August of each and every year, and may continue in session five weeks; in the county of Hill, on the fifth Monday after the third Mondays in January and August, and may continue in session six weeks; in the county of Johnson, on the eleventh Monday after the third Mondays in January and August, to continue in session until the business is disposed of; *provided*, that said continuation shall not interfere with the terms of the court in the remaining counties of this district, as herein above provided for.”

SEC. 2. All process heretofore issued or served returnable in any of the counties of said judicial district, as heretofore prescribed by law, shall be considered as returnable at the times herein prescribed; and all such process is hereby legalized and validated, as if the same had been made returnable at the time herein prescribed.

SEC. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and that this act take effect on and after the fifteenth day of July A. D. 1881

SEC. 4. The near approach of the close of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XC.—An act to amend article 690, chapter 3, of the Penal Code of the State of Texas, passed on the 21st day of February, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 690, chapter 3, of the Penal Code of the State of Texas be so amended as to hereafter read as follows, to-wit:

"Article 690. If any person shall herd any drove of horses, cattle, sheep, goats or hogs, numbering more than twenty-five head, upon any land not his own, and within one-half mile of the residence of any citizen of this State, or if any person shall herd any drove of sheep or goats numbering more than twenty-five, upon any land not his own, whenever the owner, lessee or legal representative of such land shall forbid such herding, and shall fail, neglect or refuse to remove such drove at once upon request of such citizen, owner, lessee or legal representative, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars."

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XCI.—An act to validate certain locations and surveys upon lands situated in the counties of Hardeman, Cottle, Archer, Baylor, Wilbarger and Knox.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That all locations of valid land certificates, made through the Jack land district surveyor's office, upon vacant lands situated in the counties of Hardeman, Cottle, Archer, Baylor and Knox, and the surveys made by the surveyor of said district upon locations so made from the twenty-ninth day of April, 1874, until the twenty-ninth day of April 1875, be and the same are hereby validated.

**SEC. 2.** That all locations of valid land certificates, made through the Jack land district surveyor's office, upon lands situated in the counties of Hardeman, Cottle, Archer, Baylor and Knox, and the surveys made by the surveyor of said district upon locations so made, from and after the twenty-ninth day of April, 1875, until the twenty-third day of July, 1879, when not in conflict with any prior valid location and survey made within such time, through the Clay land district, be and the same are hereby validated.

**SEC. 3.** That all surveys in the counties of Hardeman, Cottle, Archer, Baylor, Wilbarger and Knox, made by virtue of genuine and valid certificates, after the sixth day of November, 1866, and prior to April twenty-ninth, 1874, now in the general land office, and not now in conflict with any other survey on file therein, are hereby declared legal and valid, whether made by the surveyor of Jack, Montague or Clay land district.

**SEC. 4.** When the commissioner of the general land office shall be satisfied as to the location and survey of any valid land certificate, as provided in sections 1 and 2 of this act, he shall, upon the payment of all fees, as now provided by law, issue patents to the parties entitled thereto, as provided by existing laws.

**SEC. 5.** Every person applying for a patent under this act shall, before patent issues to the same, have his field notes recorded in the surveyor's office that may have jurisdiction over these counties; *and provided*, that such locations as are referred to in sections 1 and 2 of this act shall not be valid as against the pre-emption of any actual settler, made prior to January 1, 1881.

**SEC. 6.** The importance of the immediate passage of this act in order that the owners of the lands in such counties may secure patents to their

lands, and that much litigation may be prevented, and the near approach of the close of the present session of the Legislature, creates an emergency and an imperative public necessity; it is therefore enacted that the rule requiring bills to be read on three several days be suspended, and that this act be in force and effect from and after its passage.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XCII.**—An act to authorize and require the issue of patents to lands situated between the Rio Grande and Nueces rivers, the titles to which have been confirmed under the act of February 11, 1860.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That, whereas, many suits to confirm land titles for land between the Nueces and Rio Grande rivers were brought within three years from and after the passage of the act of February 11, 1860, and in compliance with the terms thereof, but, owing to the war and other causes, were not finally adjudicated until after such three years had expired; and, whereas, the commissioner of the general land office has refused to issue patents for titles not confirmed within such three years; and, whereas, it is just and equitable that parties who, in good faith and diligence, have attempted to comply with the terms of said act, should receive the full benefit thereof; therefore, the commissioner of the general land office is hereby authorized and required to issue patents to all lands between said rivers, when suits to establish same under said act have been commenced within three years from the passage of same, and when the proper district court has finally confirmed such titles.

**SEC. 2.** Whereas, several important railroads are surveying lines through the lands involved in this act; and, whereas, it is important that the titles to said lands should be settled at once, in order that the right-of-way may be granted to said railroads; therefore an urgency exists that this act take effect at once, and it is enacted that the same take effect from its passage.

**SEC. 3.** The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XCIII.**—An act to amend chapter 130 of the act of 1879, entitled "an act to amend section 46 of an act to encourage stock-raising, and for the protection of stockraisers," approved April 22, 1879.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That section 46 of the above entitled act shall hereafter read as follows:

"Section 46. That the counties of Anderson, Angelina, Bowie, Brazos, Burleson, Bastrop, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Cook, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Freestone, Falls,

Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hunt, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Liberty, Milam, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Raines, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington and Wood and Calhoun and Victoria are hereby exempted from the operations of this act, and the provisions of the same shall in no wise relate or apply to the aforesaid counties; *provided*, that in those counties bordering on the lines of the State, except those bordering on Red River, whether organized or unorganized, the governor shall appoint an inspector whose duty it shall be to inspect under the provisions of this act all stock about to be driven or shipped out of the State, or in any other county exempt from the operations of this act, where there is a depot or place for the shipment of cattle; *provided*, that such cattle shall not be subject to inspection on board of any railroad, unless the same have been placed on board of such train for the purpose of evading the provisions of this act; *and provided, also*, that the counties of Limestone, McLennan, Nueces, Bell, Calhoun and Navarro, and Hood, Houston, Somervell, Bosque and Victoria counties shall be exempt from all laws regulating the inspection of hides.

SEC. 2. The great necessity for this law, and the near approach of the end of this session of the Legislature, creates an imperative public necessity and emergency, requiring the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

## CHAPTER XCIV.—An act to relieve the inhabitants of Cameron county from the payment of the State tax for the year 1880.

WHEREAS, during the twelfth and thirteenth of August, 1880, the county of Cameron was devastated by a tempest, which greatly damaged the people of that county, destroying their houses, fences and crops, and thereby limiting their means of payment of the usual taxes; therefore,

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the inhabitants of Cameron, county, Texas, be and they are hereby released from the payment of State taxes for the year 1880, on all improved real estate in said county; *provided*, that on lands outside of cities and towns only six hundred and forty acres of land, including improvements, in any tract or tracts owned by the same person, shall be exempt under this act; *provided*, that the collection of taxes on the current rolls of said county be stopped, and the assessment rolls of said county shall be reformed by the assessor of said county, within sixty days from the passage of this act, to conform to the provision hereof, and that the collector of taxes of said county shall refund to any person the tax collected of him, or such portion thereof as he shall be entitled to, upon the corrected rolls as herein provided; *and provided further*, that the said assessor and collector shall be entitled to receive their legal fees for ser-

vices under this act, as now provided by law, to be realized from the fund that will remain to the State.

SEC. 2. The end of the session being near, and the tax collector pressing the collection of taxes for 1880, there exists an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect at once, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

#### CHAPTER XCV.—An act for the relief of persons whose lands have been rendered for taxation, and also placed upon the unrendered rolls.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That any person whose land has been rendered for taxation, whether the same was rendered in the name of the real grantee or not, and has also been placed upon the unrendered rolls for the same year, shall be entitled to relief upon complying with the requirements hereinafter indicated.

SEC. 2. If any such lands shall have been sold for the taxes charged upon the unrendered rolls, and bought by the State, the owner thereof, his agent or attorney, shall present to the tax collector of the county in which the land is situated a sworn statement to the effect that the same land has been rendered for taxation, and placed upon the regular assessment rolls for the year mentioned. Said affidavit shall contain an accurate description of the land, and be accompanied with the certificate of the tax assessor that the same is true and correct; and the tax collector shall thereupon present such person with a written statement officially signed, that said tax has been cancelled, and make a note of the same upon the unrendered rolls; *provided*, the provisions of this section shall apply to such lands at any time after the collector shall receive the rolls until the same shall have gone into the hands of a private purchaser; and if the owner shall have paid the taxes charged upon the unrendered rolls at any time previous to the passage of this act he shall be entitled to the warrant of the comptroller for the amount so paid, in the same manner as is provided in section 3 of this act, in cases of redemption from individual purchasers; *provided further*, that the tax collector shall make no charge whatever for the duties herein mentioned.

SEC. 3. When the owner of such lands shall have redeemed the same from a private purchaser it shall be the duty of the tax collector to furnish him a certificate to that effect; and upon presentment of said certificate to the comptroller, the comptroller shall issue to him a warrant upon the treasurer of the state for the amount of such tax. This warrant shall be receivable for all taxes to the State. For issuing the certificate provided for in this section the tax collector shall be allowed the sum of fifty cents, to be paid by the applicant.

SEC. 4. Whereas, there are many persons in this State whose lands have been placed upon the unrendered rolls, in consequence of mistakes in the name of original grantees, whereby great inconvenience and expense are entailed upon the people, therefore an imperative public necessity and emergency exist for the suspension of the rules, and that this act take effect and be in force from and after its passage.

Approved April 4, A. D. 1881.

Takes effect from passage.

## CHAPTER XCVI.—An act to amend article 220 of the Criminal Code.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 220 of the Criminal Code be so amended as hereafter to read as follows, to-wit:

"Article 220. If any person shall willfully oppose or resist an officer in executing or attempting to execute any lawful warrant for the arrest of another person in a case of misdemeanor, or in arresting or attempting to arrest any person without a warrant, where the law authorizes or requires the arrest to be made without a warrant, he shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, and if arms be used, by a fine of not less than fifty nor more than one thousand dollars."

SEC. 2. The near approach of the close of this session creates a necessity for the suspension of the constitutional rule requiring this bill to be read on three several days, and the same is therefore suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment

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## CHAPTER XCVII.—An act to authorize the governor, state treasurer and superintendent of the penitentiary, to contract for conveying convicts from the counties where sentenced to the penitentiaries.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the governor, state treasurer, and superintendent of the penitentiaries be and they are hereby constituted a board hereby authorized to contract for a term not exceeding five years, except as provided in section 11 hereof, with some responsible person, firm or association of persons, upon such terms and conditions as to them may seem best, to receive and safely transport all convicts from the counties where sentenced, or the place where confined after sentence, to the penitentiaries, or to such place as the superintendent of the penitentiaries may direct; *provided*, the contractor shall not be required to carry any convict to any point at a greater distance than the nearest penitentiary; *provided, further*, that any contract made under this act before a new leasing of the penitentiaries shall be made to terminate with the present lease, on January 1, 1883.

SEC. 2. At least thirty days before making such contract, the said board shall advertise in one or more newspapers in the State having a wide circulation, for sealed proposals to so transport convicts, giving notice of the time and place when such proposals shall be acted upon, and may require such conditions and guarantees as they deem proper.

SEC. 3. When a contract is made according to the terms of this act, the contractor or contractors shall enter into bonds in the sum of twenty thousand dollars, payable to the governor of the State of Texas, and his successors in office, with two or more securities, to be approved by said board, conditioned that said contractor or contractors will faithfully and fully carry out and comply with said contract, and with the requirements imposed by this act.

SEC. 4. The contract herein provided for shall begin and be in operation from the date of the expiration of the present contract for trans-



portation of convicts with Messrs. Cunningham & Ellis; and the governor shall, by proclamation, give notice of the making of such contract, and a copy of such proclamation shall be forwarded by the secretary of state to each sheriff in the State; and each sheriff shall, after the date when such contract takes effect, deliver to the order of the party or parties contracting with the State, all convicts who may be in his custody ready to be sent to the penitentiary, together with the certified copy of the judgment and sentence of the court, before which said convict or convicts were tried, convicted and sentenced, taking and filing a receipt therefor.

SEC. 5. Immediately upon the adjournment of the district court in any county, it shall be the duty of the district clerk to notify the contractor or his agent, by letter or otherwise, if there by any person or persons, and how many, convicted in his court ready to be transported to the penitentiary; he shall likewise, at the same time notify the superintendent of the penitentiary by registered letter, of the number of convicts ready for transportation, giving name, age, sex, complexion and term of years for which convicted; the same kind of notice shall be given by said district clerk when the case of any convict has been affirmed by the court of appeals so soon as the mandate of said court in said case been received and filed.

SEC. 6. In all cases where a convict is demanded by a contractor, or by any agent appointed by him, the authority of such person, under the seal of the State, presented to the clerk of the court in which the conviction has been obtained, shall be a sufficient authority for the said clerk to issue his warrant in the name of the State requiring said contractor or his agent to take charge of said convict and deliver him inside the walls of the penitentiaries or to the lessees. The said clerk is required to have the proper commitment papers ready to accompany the convict.

SEC. 7. The said contractor shall be allowed time as follows from the date of the mailing of the notices by the district clerk to the contractor, and superintendent of the penitentiary, in which to call for the convict or convicts, viz: Where the place of confinement of the convict is within fifteen miles of a point having railroad connection with the penitentiary, seven days; where not less than fifteen nor more than sixty miles, ten days; where not less than sixty nor more than one hundred and fifty miles, fifteen days; not less than one hundred and fifty miles, twenty days; and from any point on or near a railroad having connection with the penitentiary, but over four hundred miles distant from it, ten days.

SEC. 8. If after due notice by the clerk of the court, the contractor fails or refuses to call on the sheriff for any convicts within the times specified above, then the sheriff may charge and demand from the contractor or agent three dollars per day for each convict ready to be transported from the expiration of the time allowed until the said convict is called for, and he may refuse to deliver such convict until the charges hereby allowed are paid.

SEC. 9. If the contractor or his agent fails or refuses to call for any convict or convicts within thirty days after the date of the notice by the district clerk of any county, then the sheriff of said county shall proceed at once to carry said convict or convicts to the penitentiary, for which he shall receive compensation as follows: ten cents per mile for self and each guard going and returning, and ten cents per mile for each convict going, the distance to be computed by the nearest practicable railroad route; *provided*, that no allowance will be made for a guard for one pris-

oner, nor for more than one guard for a less number than four prisoners, and only one guard for each squad of four prisoners or fractional part thereof; the same to be paid by the contractor, together with other charges for board due upon the delivery of the convict or convicts within the walls of the penitentiary, and should the contractor fail or refuse to pay the sheriff, it shall be the duty of the superintendent of the penitentiary to audit and approve the claim of said sheriff; and of the comptroller, after such approval, to draw his warrant for the amount due, in favor of the sheriff, on the appropriation to carry out the contract; and the same shall be paid out of said appropriation and deducted from the moneys to be paid the contractor for conveying convicts to the penitentiary; *provided*, that the account of such sheriff shall not be paid by the contractor or approved by the superintendent unless he produces the certificate of the district clerk, and the postmaster of his county, that the notices were given and mailed as required in section five of this act.

SEC. 10. Should the contractor at any time fail to carry out his contract, then the superintendent of the penitentiary shall send for convicts under the provisions of this act until a new contract be made.

SEC. 11. The said board may, if they think the interest of the State demands it, contract with the lessees of the penitentiary in any future contract or lease, and as a part thereof, that they, the lessees, during a part of the entire term of their lease, shall receive and carry the convicts, and the terms, regulations and conditions provided in this act, or other law relating thereto, shall control their rights, duties and liabilities, as though the contract to receive and carry had been made independent of the lease.

SEC. 12. All laws and parts of laws in conflict herewith are hereby repealed; *provided*, that nothing herein contained shall affect the contract made with Messrs. Cunningham & Ellis for conveyance of convicts to the penitentiary until termination of present contract.

SEC. 13. The near approach of the close of the present session of the Legislature, and the fact that there is no provision made for the transportation of convicts to the penitentiary from where sentenced, creates an emergency and an imperative public necessity that the constitutional rule requiring that all bills be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect from passage.

#### CHAPTER XCVIII.—An act to amend the stock law.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That whenever there is territory between two sub-divisions of a county which have adopted the stock law, and in such intervening territory there is less than fifty free-holders, an election shall be ordered, on the petition of a majority of the free-holders residing in such intervening territory, and the election shall be held as provided by law in other cases relating to the adoption of the stock law.

SEC. 2. The near approach of the close of this session creates an imperative public necessity, justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XCXIX.**—An act to change the times of holding the district courts in the twenty-ninth judicial district of the State of Texas.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the district courts within and for the twenty-ninth judicial district shall be hereafter held as follows, to wit: In the county of Jack on the second Mondays in March, July and November in each year, and may continue in session two weeks; in the county of Parker on the second Monday after the second Mondays in March, July and November in each year, and may continue in session five weeks; in the county of Tarrant on the seventh Monday after the second Mondays in March, July and November in each year, and may continue in session eight weeks.

**SEC. 2.** All writs and process of all kinds that have been or may hereafter be issued from the district courts of the counties mentioned in this act which are made returnable under existing laws, shall be and are hereby made returnable to the terms of said courts as established by this act, next succeeding the terms of said courts as heretofore established by law, to which said process were made returnable.

**SEC. 3.** Whereas, the terms of said district courts as now established by law results in great inconvenience to the people of said district and conflicts with the terms of the district court in adjacent counties; therefore, an imperative public necessity and emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended; that this act shall go into effect from and after the first day of July, 1881.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER C.**—An act to authorize and request the governor to ascertain and file in the war department of the United States, or in such other department as the matter may be referred to, a certified abstract accompanied with proper vouchers and proofs, of the money expended and indebtedness assumed and incurred by the State of Texas in repelling invasions by Mexican and Mexican Indian banditti, and in suppressing Indian hostilities.

**WHEREAS,** A bill is now pending before the Congress of the United State, entitled "a bill to authorize the secretary of war to ascertain and report to Congress the amount of money expended and indebtedness assumed and incurred by the State of Texas in repelling the invasions of Mexican and Mexican Indian banditti and in suppressing Indian hostilities, being Senate bill No. 1969; and,

Whereas, it is important that the provisions of said bill shall be fully carried out, and the proper steps taken by the State of Texas to lay before the secretary of war the proof of her accounts and claims against the United States for money expended and indebtedness assumed in organizing, arming, equipping, supplying, clothing, subsisting, transporting and paying the volunteer militia and ranger forces of the State, called into service under the laws of the State by the proper authorities, since the twenty-ninth day of December, 1845, excepting the period from

the twenty-eighth day of January, 1861, to the nineteenth day of June, 1865, to aid in repelling invasions of Mexican and Mexican Indian banditti, and in protecting the inhabitants of the State from Indian hostilities within the State and upon the borders thereof; therefore,

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the governor of the State be, and is hereby authorized and requested to appoint some suitable person to audit the claims and accounts of the State of Texas against the United States for the purposes mentioned, and for all other proper expenses necessarily incurred on account of said forces having been called into service, including the claims assumed or paid by the State of Texas for horses or other property lost by said forces in line of duty; and that the governor cause to be filed in the war department, or in such other department as the matter may be referred to, a certified abstract accompanied with proper vouchers or such other proof as can be procured by the State and required by said department, showing the date and amounts of such accounts, expenditures and indebtedness, and the purposes for which the same was made.

SEC. 2. That the sum of five hundred dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any money in the treasury not heretofore appropriated for other purposes, in order to carry out the object of this act and defray the expenses of auditing said claims.

SEC. 3. That a public necessity and emergency exists for immediate action upon the matter contained in this act, and for the suspension of the constitutional rule requiring this bill to be read on three several days, said rule is therefore hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER CI.—An act to amend sections 1 and 4 of an act entitled "an act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters, to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters, to define the manner and time of collecting such tax, and affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act," approved March 11, 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That sections one and four of an act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters, to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters, to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881, be and they are hereby so amended as hereafter to read as follows:

"Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter there shall be levied upon and collected from any person, firm or association of persons engaged or engaging in the business of selling spir-

ituous, vinous or malt liquors or medicated bitters, an annual tax upon every such occupation or separate establishment as follows: For selling spirituous, vinous or malt liquors or medicated bitters in quantities less than a quart, three hundred dollars; for selling such liquor or medicated bitters in quantities of one quart and less than five gallons, two hundred dollars; for selling such liquor or medicated bitters in quantities of five gallons or more, three hundred dollars; for selling malt liquors exclusively, an annual tax of fifty dollars; *provided*, that nothing in this section shall be so construed as to prevent wholesale liquor dealers, or merchants who pay occupation tax as such, from selling unbroken packages containing less than five gallons, without being required to pay an additional tax as quart dealers.

"Sec. 4. That any person, firm or association of persons desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters, in quantities less than a quart, shall, before engaging in such occupation, be required to enter into bond with at least two good and lawful sureties, payable to the county judge and his successors in office, and to be approved by him, in the sum of one thousand dollars, conditioned that said person, firm or association of persons so selling spirituous, vinous or malt liquors or medicated bitters in quantities less than a quart, shall keep an orderly house or place for the sale of such liquors, and that he or they will not sell nor knowingly permit to be sold in his or their said place of business, nor give nor permit to be given any spirituous, vinous or malt liquors or medicated bitters to any minor under the age of twenty-one years, or to students of any institution of learning, or to any habitual drunkard, or to any person after being notified in writing by the wife or daughter of the person not to sell to such person, and that he or they will not knowingly permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such place of business, and that he or they will not knowingly permit any minor under the age of twenty-one years to enter upon or remain in such establishment, which bond may be sued on at the instance of any party aggrieved by the violation of the provisions of said obligation; and said bond shall not be void on first recovery, but may be sued on until the full penal sum named therein shall have been recovered. The provisions of this section shall not be so construed as to repeal or in any manner affect any penal laws now in force concerning the unlawful sale of spirituous, vinous or malt liquors. In addition to civil proceedings for individual injuries brought on said bond, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county treasurer and county attorney and the district attorney, or either of them, to institute suit thereupon, in the name of the county judge of the county, for the use and benefit of the county, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties, upon proof of a breach of any of the conditions thereof, and whenever the first or subsequent bond required is exhausted by suits at the instance of individuals, or for the use of the county, a new similar bond shall be given and approved, before the dealer shall have the right to further pursue his occupation as a retail liquor dealer, or in case a suit is pending on any such bond, and the county or district attorney shall make and file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, said clerk shall notify the liquor dealer thereof, and it shall be the duty of the retail liquor dealer, within twenty days from the time the bond is exhausted, or in the other

event within twenty days from the time the said notice is given to give a new bond similar to the bond first given, to be approved in the same way, and until such new bond is given and approved, where it is required by this act, the retail liquor dealer shall not have the right to further pursue his occupation; and any person who shall pursue his said occupation without giving a new bond, as required by this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined the same amount provided for in cases where no license has been obtained."

SEC. 2. That whereas, great confusion, difficulty and loss may occur from any delay in the final passage of this act, thereby creating an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, therefore said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved April 4, A. D. 1881.

Takes effect from passage.

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CHAPTER CII.—An act to amend chapter 11, title 17, of the Revised Civil Statutes of the State of Texas so that towns and villages may be incorporated for free school purposes only.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That chapter 11, title 17, of the Revised Statutes of the State of Texas be amended by the addition of the following articles:

"Article 541a. Towns and villages authorized to incorporate under this chapter, or having two hundred inhabitants or over, not desiring to incorporate for municipal purposes, may incorporate for free school purposes only, and when so desiring, an election may be held under the provisions of this title and chapter, and if at said election a majority of the votes cast be in favor of the corporation, it shall be the duty of the county judge to make return thereof and cause a record of the result of such election to be made the same as is provided by articles 512 and 513 of this chapter, upon which entry being made such town or village shall be regarded as duly incorporated for the purpose of establishing and maintaining a free school therein, and shall upon notice to the state board of education by the board of trustees hereinafter provided for, receive such *pro rata* share of the available school fund as its scholastic population may entitle it to.

"Article 541b. Upon the entry of record, as provided for in the preceding article, it shall be the duty of the county judge to forthwith order an election of five school trustees for such town or village so incorporated for school purposes, who shall be elected in the same manner and at the same time and whose term of office shall be the same as provided in this chapter for the election and term of office of mayor and aldermen.

"Article 541c. The trustees elected in accordance with the preceding article, shall be vested with the full management and control of the free schools of such incorporated town or village, and shall in general be vested with all the powers, rights and duties in regard to the establishment and maintaining of free schools, including the powers and manner of taxation, for free school purposes, that are now conferred by the laws of this State, upon the council or board of aldermen of incorporated cities and towns, as the same is prescribed by title 78, chapter 3, of the Revised Statutes.

"Article 541d. The board of trustees, when elected, shall organize by choosing from their number a president, a secretary, a treasurer, and an assessor and collector of taxes.

"Article 541e. The assessor and collector of taxes shall have the same powers and shall perform the same duties, with reference to the assessment and collection of taxes for free school purposes, that are conferred by this chapter and title upon the marshal of incorporated towns and villages, and he shall receive such compensation for his services as the board of trustees may allow, not to exceed four per cent. of the whole amount of taxes received, and he shall give bond for the faithful discharge of his duties in such amount as may be prescribed by the board of trustees.

"Article 541f. The treasurer shall be required to give bond, payable to the State of Texas to be approved by the board of trustees, for a sum equal to double the probable amount of taxes assessed, and the *pro rata* share of the available school fund, conditioned for the faithful discharge of his duties, and the payment of the funds received by him, upon the draft of the president; drawn upon order duly entered, of the board of trustees, and for his services he shall be entitled to retain a commission of one per cent. upon all amounts paid out by him."

SEC. 2. There being many unincorporated towns and villages in the State that desire to incorporate for free school purposes only, and it being important that such incorporations should be duly organized and ready for taking charge of their schools before the commencement of the next scholastic year, thereby creating an emergency that this act take effect from and after its passage, and it is so enacted; and the near approach of the close of the session of the Legislature and the great amount of business now pending creates an imperative public necessity justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended.

Approved April 6, A. D. 1881.

Takes effect from passage.

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CHAPTER CIII.—An act to amend articles Nos. 340, 344, 346, 352, and 357 of the Revised Civil Statutes of the State of Texas, relating to cities and towns.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That articles 340, 344, 346, 352 and 357, title 17, of the Revised Civil Statutes of the State of Texas, relating to cities and towns, be so amended as to hereafter read as follows:

"Article 340. Any city within the limits of this State, containing one thousand inhabitants or over, may accept the provisions of this title in lieu of any existing charter, by a two-thirds vote of the city council of such city, which action by the city council shall be had at a regular meeting thereof and entered upon the journal of their proceedings, and a copy of the same, signed by the mayor and attested by the city clerk or secretary, under the corporate seal, filed and recorded in the office of the clerk of the county court of the county in which such city is situated; and the provisions of this title shall be in force, and all acts theretofore passed, incorporating such city, which may be in force by virtue of any existing charter, shall be repealed from and after the filing of the said

copy of their proceedings as aforesaid. Any city containing one thousand inhabitants or over, may be incorporated as such city in the manner prescribed in chapter 11 of this title relating to towns and villages; *provided*, that whenever the words town or village are used in said chapter 11, they shall be construed to mean city having one thousand inhabitants or over; *and provided*, that the application to become incorporated shall be signed by at least fifty residents thereof; and when the entry by the county judge (provided in article 514 of said chapter 11) is made with reference to a city of one thousand inhabitants or over, such city shall be invested with all the rights and powers of such cities conferred by this title."

"Article 344. The municipal government of the city shall consist of a city council composed of the mayor and two aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, except at called meetings or meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless herein otherwise specified; *provided*, that where the city or town shall not be divided into wards, the city council shall be composed of the mayor and five aldermen, and the provisions of this title relating to proceedings in a ward shall apply to the whole city or town. The other officers of the corporation shall be a treasurer, an assessor and collector, a secretary, a city attorney, a marshal and city engineer, and such other officers and agents as the city council may from time to time direct; *provided*, that the office of treasurer, assessor and collector, city attorney, and city engineer may be dispensed with by an ordinance of the city or town council, and the powers and duties herein prescribed for such officers may be conferred by said council upon other officers. The above named officers shall be elected by the qualified electors of said city, as hereinafter provided for and shall hold their offices for two years and until the election and qualification of their successors."

"Article 346. At the first election under this title there shall be elected by the qualified voters of said city, voting by ballot, a mayor, who shall hold his office for one year from the date of his election, and until his successor shall be elected and qualified; and at said first election under this title there shall be elected by the qualified voters of each ward, respectively, two aldermen, one of whom shall hold his office for one year, and the other for two years from the date of their election; and the term for which each shall hold his office shall be determined at the first regular meeting after said election, by lot; *provided*, that there shall be one alderman for the long term and one for the short term from each of the wards respectively; *and provided further*, that at each annual election thereafter there shall be elected one alderman from each ward who shall hold his office for two years and until his successor is duly elected and qualified; *and provided further*, that where the city or town shall not be divided into wards, the city council may determine by proper ordinances what number of aldermen shall go out of office in one year, and the mode and manner of deciding which members shall hold for the long term and which for the short term."

"Article 352. In case of a vacancy in any office in the city, except aldermen, by refusing to accept or failure to qualify, or by death, resignation or otherwise, the mayor or acting mayor shall fill such vacancy by appointment, to be confirmed by the city council."

"Article 357. The mayor of the city shall be the chief executive officer of said corporation, and shall be vigilant and active at all times in caus-



ing the laws and ordinances for the government of said city to be duly executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as it may be in his power shall cause all negligence, carelessness and positive violations of duty to be prosecuted and punished. He shall have power, whenever in his judgment the good of the city may require it, to summon meetings of the city council, and he shall, from time to time, communicate to that body all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament, and good government of said city. The mayor shall also be the chief judicial magistrate of the city, until the election and qualification of recorder as hereinafter provided, and until such election and qualification he shall perform all the duties required of recorder in article 361 of this chapter."

SEC. 2. The passage of this act shall not operate to affect the organization of any city or town already chartered by general or special charter, nor to require any new election of the officers of such chartered cities and towns.

SEC. 3. To render more certain the term of office of mayors of cities and towns of one thousand inhabitants and over, under the general charter law, it is declared that at the first election under the charter the mayor shall be elected for one year, in all subsequent elections he shall be elected for two years.

SEC. 4. Whereas, this session approaches its close and time is wanting within which to consider this bill on three several days in each house and secure its passage by the end of said session; therefore, an imperative public necessity is created for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted.

Approved April 6, A. D. 1881.

Takes effect ninety days after adjournment.

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#### CHAPTER CIV.—An act to authorize counties to fund their bonded indebtedness, and to provide means to pay the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the county commissioners' court of any county in this State is hereby authorized and empowered to fund any existing bonded indebtedness and coupons due thereon, made and undertaken by such county by authority of law prior to the eighteenth day of April, A. D. 1876, and for this purpose the said commissioners' courts are hereby authorized and empowered to issue new bonds in denominations of not less than five hundred dollars, with interest coupons payable semi-annually; said new bonds to become due and payable twenty years from the date of their issuance, and to bear interest not exceeding six cent. per annum, and the said commissioners' courts are further authorized and empowered to levy a tax upon all real and personal property situated in the county, not to exceed fifty cents on the hundred dollars on the assessed value of such property, in any one year, to pay the annual interest, and not less than two per cent. annually of the principal of said bonds, besides the expenses of assessing and collecting the same; and no bonds shall be issued under this act until a levy, as herein provided, shall have been made, and when said levy shall have been so made the same shall continue in force until the

whole amount of the principal and interest of said bonds shall have been fully paid.

SEC. 2. All taxes levied under this act shall be applied solely to the objects for which they were levied, as follows: First—to the payment of the expenses of assessing and collecting the same. Second—to the payment of the annual interest of such bonds, and not less than two per cent. of the principal; and if there be any excess on hand, after making the above payments for the current year, it shall be used in the purchase and cancellation of said bonds.

SEC. 3. All taxes levied under this act shall be assessed and collected by the same officers, whose duty it is to assess and collect the state tax, and they shall receive for their services one-fourth the rates of commission allowed for assessing and collecting the state tax. The said tax shall be assessed and collected in the same manner as the state tax, and the same remedies shall be used to enforce its collection that are provided by law to enforce the collection of the state tax; *provided*, that all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor.

SEC. 4. The officer whose duty it is to collect the taxes levied under this act, shall give a bond, with two or more sufficient sureties, to be approved by the county commissioners' court, in a sum to be equal to double the estimated annual amount of said tax, which bond shall be payable to the county and shall be conditioned for the faithful collection and payment of said tax into the county treasury.

SEC. 5. It shall be the duty of the county treasurer to receive all moneys collected under this act and to keep separate accounts thereof, and to pay out the same on warrants drawn by the county judge in the usual legal form.

SEC. 6. The collector of the taxes levied under this act shall pay over to the county treasurer, at the beginning of each and every month, all moneys he may have collected during the next preceding month, deducting his legal commissions on the amount so paid, and he shall, at each regular meeting of the county commissioners' court, make a report of his collections and payments to the county treasurer since the next preceding term.

SEC. 7. Said bonds shall not be sold or exchanged for existing bonds by any county for less than par value and accrued interest.

SEC. 8. All expenses necessary to give effect to the provisions of this act shall be paid out of the treasury of the county; and all bonds issued by any county, under this act, shall be signed by the county judge and attested by the clerk of the commissioners' court, with the seal of said court affixed thereto.

SEC. 9. All laws now in force providing for the levy and collection of taxes for the payment of the principal and interest of any existing bonds, which may be fundable under this act, shall apply and be in force for the levy and collection of taxes for the payment of the principal and interest of all bonds that may be issued under the provisions of this act.

SEC. 10. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 11. Whereas, many counties in this state have debts and bonds falling due; and, whereas, the session is fast drawing to a close; therefore, an imperative public necessity and an emergency exist that the

constitutional rule requiring bills to be read on three several days be suspended and that this act take effect at once, and it is so enacted.

Approved April 6, A. D. 1881.

Takes effect from passage.

CHAPTER CV.—An act to amend the caption and sections one, two, three, four, five, six, seven and eight of an act entitled “an act to provide for the sale of alternate sections of lands in organized counties as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund; to provide for the investment of the proceeds, and to repeal all laws in conflict therewith,” approved July 8, 1879, and to provide for the sale of such lands in unorganized counties.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the caption of the above recited act shall hereafter read as follows: “An act to provide for the sale of alternate sections of lands in organized and unorganized counties as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith,” and that sections one, two, three, four, five, six, seven and eight of chapter twenty-eight of the laws of the special session of the Legislature of the State of Texas, approved July 8, 1879, be amended so as to read as follows:

“Section 1. That all the alternate sections of land in the State of Texas, heretofore surveyed or which may hereafter be surveyed by any railroad company or other work of internal improvement, and set apart for the benefit of common schools, shall be brought into market and disposed of in the manner hereinafter provided.

“Sec. 2. The county surveyor of the county in which said lands are located, or if the county be unorganized the district surveyor in whose district such land is located, shall view and appraise the same under oath, and make return of the same to the county commissioners’ court of the county in which his office is kept, which court shall examine, approve or disapprove the same, and may take other evidence to ascertain the true value of the land, and in case of disapproval said court shall fix a value thereto, and the valuation of said land in no case shall be less than two dollars per acre for surveys having fresh water on them or bordering on them, nor less than one dollar per acre for other school lands. The surveyors acting as appraisers of land shall each receive one dollar per section, and in no case to exceed one hundred dollars for the appraisement of all the lands in any one county, to be paid out of the proceeds of the first sale of the land under the provisions of this act. Any persons having improvements upon any of such land prior to the taking effect of this act shall have the preference in the purchase thereof for the period of six months next after the value thereof is fixed, at the valuation exclusive of the value of such improvement; *provided*, that no appraisement of a surveyor of any section of land situated in an unorganized county shall be regarded until he shall have filed an affidavit stating that he knows the locality of said section, and that he personally inspected the same, stating when said inspection was made.

“Sec. 3. That as soon as the appraisement is completed the county

commissioners' court shall prepare tabulated reports of their action, setting forth the following, to wit: Number of survey, block, quantity in each survey, the name of company or individual to whom the certificate was granted, price per acre of each section, or quarter thereof, if difference exists, value of improvements, remarks giving general description of soil, water and timber. One copy of the above report shall be filed in the office of the county or district surveyor, and shall constitute an archive of his office; one copy shall be forwarded to the commissioner of the general land office, and one copy to the treasurer of the state.

"Sec. 4. That upon the receipt of the above report by the commissioner of the general land office, he shall examine the same, and if made in conformity with this act, and if in his opinion the lands therein are properly valued he shall approve the same, and shall notify the county or district surveyor of the fact, and until he receives such notice the surveyor shall not entertain any proposition for the purchase of the said land; *provided*, that if the commissioner of the general land office believes or has reason to believe that the land is valued too low, or that the proper description has not been given of the soil, timber or water, or that the land has increased in value since appraisalment, he may, and it shall be his duty to require a supplemental report containing additional information, or he may send some one from his office; or, if none of his employes can be spared or are not qualified for the service, he may appoint some suitable person to visit such county concerning which the report is unsatisfactory, who shall make a report such as is required by the county commissioners' court, for which he, the person sent, if not a regular employe, shall be paid a salary for the time employed not greater than that of the chief clerk of the land office. From the information acquired from every source, the said commissioner of the general land office shall correct the report transmitted by the county commissioners' court, and forward a copy of such corrected tabulated report to the county or district surveyor of the proper county, to be by him kept as an archive of his office, and forward a duplicate copy to the treasurer of the state and retain a copy in the general land office as an archive.

"Sec. 5. That so soon as the surveyor shall receive the notice provided for in section four of this act, he shall be authorized to receive applications for the purchase of said land in any quantity not less than one hundred and sixty acres, except fractions of less than one hundred and sixty acres that may now exist in said counties; *provided*, that no person or corporation shall be allowed to purchase more than one section of six hundred and forty acres of said land when the same is classed as arable land suitable for farming purposes; but when the same is classed as land suitable only for grazing purposes it shall be sold in quantities to suit the purchaser, but no person shall be permitted to purchase less than one hundred and sixty acres, nor more than three sections of six hundred and forty acres within five miles of the geographical centre of any county or upon any water front, nor more than seven sections at any other place.

"Sec. 6. That any person desiring to purchase any of the above lands shall make application in writing to the county or district surveyor, designating the number of the survey, block, name of company or individual to whom was issued the certificate by virtue of which such survey was made; the quantity he or she wishes to purchase, and if less than a whole section, the particular part of such section; *provided*, that no fraction of any section of less than one hundred and sixty acres shall be

left by any such selection, and that no fractional section of less than three hundred and twenty acres shall be divided. The surveyor shall be entitled to a fee of one dollar for each application to be paid by the applicant, and he shall, upon payment of said fee, record said application in a well bound book to be kept by him for that purpose; he shall endorse such application "recorded," giving the date, page and volume of the record, and sign his name thereto, and deliver said application to the proposed purchaser.

"SEC. 7. That the purchaser shall immediately forward to the state treasurer the above application, together with one-twentieth of the appraised value of the land thereon designated, and if the land is chiefly valuable for timber he shall forward the whole of the appraised value. The treasurer shall enter a credit on his books in the name of the purchaser for the amount so received, giving such description of the land as will identify the same; he shall then issue his receipt for said amount and forward it with the above named application to the commissioner of the general land office, who shall file said application and receipt in his office and issue his certificate in lieu thereof, setting forth the amount paid to the treasurer and the quantity and valuation of the land applied for, which certificate shall authorize the county or district surveyor to survey the land embraced in the original application and enter the same on his books as sold, and shall not entertain another application to purchase said land until notified of the forfeiture as hereinafter specified; *provided*, should the applicant fail to make his first payment of one-twentieth, or the whole as the case may be, of the appraised value of the land embraced in his application to the treasurer and present the certificate of the commissioner of the general land office to the surveyor or his deputy within ninety days from the date of the record of his application, then and in that case the said land shall be again for sale and the surveyor shall be authorized to receive applications for the same; *provided*, that no person shall renew his file nor file on the same land more than once in twelve months, nor shall any person refile or renew his file in the name of any other person. All applications for the purchase of said lands shall be made in the real name of the person intending to be the actual purchaser thereof.

"SEC. 8. That so soon as the application above named has been received by the surveyor, the applicant shall execute his obligation or promissory note for the balance of the appraised value of the land he desires to purchase, agreeing and stipulating to pay to the governor of the State of Texas and his successors in office, on the first day of January of each year, one-twentieth of the amount of his obligation or promissory note, with eight per cent. interest on such amount of the principal as may be due at the date of each payment, giving in said obligation such description of the land purchased as is contained in his application; *provided*, that the purchaser may have the privilege of paying the entire amount of the appraised value of said land at the date of purchase, or such amount of principal and interest as may be due at any time subsequent to the execution of his obligation or promissory note; *provided*, that any payment of principal may be deferred for one or more years, except the first one-twentieth, but all payments of both principal and interest must be paid inside of twenty years, and all interest must be paid annually on or before the first day of March of each year. When any land sold under the provisions of this act shall be timbered land, no person shall have the

right to cut and remove any of the timber therefrom until the purchase money has been paid in full."

SEC. 2. Whereas, no law is now in force for the disposition of the lands in unorganized counties as contemplated by this act; and whereas, the present session is near its close, therefore an emergency exists and an imperative public necessity is created, that the rule requiring bills to be read on three several days be suspended, that this act take effect from and after its passage, and it is so enacted.

Approved April 6, A. D. 1881.

Takes effect from passage.

CHAPTER CVI.—An act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States, a land certificate for twelve hundred and eighty acres of land.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That all persons who are now *bona fide* residents of this State, and who were resident citizens of this State, and as such citizens enlisted in the military service of this State or of the Confederate States in the late war between the States of the United States, as soldiers or as servants attending such soldiers, and while engaged in such military service, by reason of wounds received while in actual service, are permanently disabled, so as to seriously impair their ability to perform bodily labor, or earn a living for themselves and families, and the widows of soldiers who were residents as aforesaid and enlisted in the service as aforesaid, who died or were killed in actual service under such enlistment, who have remained widows and are now citizens of this State, and who show that they have not property of the value of one thousand dollars, are hereby declared to be entitled to a land certificate for twelve hundred and eighty acres of land; *provided*, no person shall be entitled to the benefit of this act unless they show that they have not property of the value of one thousand dollars.

SEC. 2. Any person desiring to obtain the benefit of this act shall prove to the satisfaction of the commissioners' court of the county of his residence, by at least two credible persons, that he is entitled to said land certificate under the provisions of this act, and upon the certificate of said commissioners' court under its seal that said applicant is entitled to said land certificate, the commissioner of the general land office is authorized and required to issue to said person a certificate for twelve hundred and eighty acres of land.

SEC. 3. The certificate granted under the provisions of this act shall be located as follows: The locator shall also locate a like amount of land for the benefit of the permanent school fund before either shall be patented, and such locations shall be made on any of the public domain of Texas not reserved by law from location.

SEC. 4. The rapid diminution of the public domain, and the indigent circumstances of many who will be benefited by the passage of this bill creates an imperative public necessity and emergency that the rule requiring this bill to be read on three several days be suspended, and that this bill go into effect and be in force from and after its passage, and it is so enacted.

Approved April 9, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER CVII.**—An act prescribing the time of holding the district courts of the twenty-third district.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That the district courts of the twenty-third judicial district shall be held as hereinafter specified, to-wit: In the county of Refugio, on the first Mondays in March and September, and may continue in session two weeks; in the county of Aransas, on the second Monday after the first Mondays in March and September, and may continue in session one week; in the county of Bee, on the third Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Karnes, on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Goliad on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Calhoun, on the ninth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Victoria, on the tenth Monday after the first Mondays in March and September, and may continue in session three weeks; in the county of DeWitt, on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

**SEC. 2.** That all writs and process returnable to any of the courts of the twenty-third judicial district as now provided by law, shall, after this act takes effect, be returnable to the terms of said court as herein fixed, and shall be as valid and binding as if made returnable thereto; that the near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 5, A. D. 1881.

Takes effect ninety days after adjournment.





## JOINT RESOLUTIONS.

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No. 1.—Concurrent resolution allowing room in capitol building for Western Union Telegraph office.

WHEREAS, The location of a branch office of the Western Union Telegraph company in some portion of the capitol building will be a convenience to members during the Legislature; and whereas, said company are prepared to extend their line from their office in town to the capitol building as soon as space enough in said building is granted for office room; therefore be it

Resolved by the Senate, the House of Representatives concurring, That sufficient space, say six by eight feet, be allowed the Western Union Telegraph company for the establishment of a branch office in some comfortable part of the capitol building, said privilege to expire with this session of the Legislature. The character of the privilege to be conferred by this resolution is such that there is an imperative necessity that the constitutional rule requiring it to be read on three several days be suspended, and creating an emergency requiring that it take effect from and after its passage, and it is so enacted.

Approved January 17, A. D. 1881.

Takes effect from passage.

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No. 2.—Joint resolution regarding the port of Galveston.

WHEREAS, the State of Texas, and the States and Territories north and west of it, comprise a vast extent of country possessing great and varied resources which are being developed by a rapidly increasing population, whose immense grain, cotton, and other productions, require cheap and adequate freight communication with the markets of the world, which can not be afforded by long and expensive land carriage, the most important interests of producers and consumers demanding a near outlet to water transportation;

And, whereas, the port of Galveston is the nearest practicable port for said region, to the markets of South America, Mexico, Europe, and the Atlantic coast, only requiring, in order to furnish accommodations for all present and future commerce of those States, that its bar be deepened so as to admit vessels drawing over thirteen (13) feet of water;

And, whereas, commercial justice requires that the Federal government should afford proper facilities for the protection and development of the

commerce of the south and west, as well as cultivate trade relations with Mexico and South America;

And, whereas, the improvement of Galveston harbor is a matter of national importance, which fact is being realized, as in part appears from a bill recently introduced in Congress by Mr. M. Price, of Iowa, and Mr. Thomas Ryan, of Kansas, setting forth the necessities for the work and providing for an appropriation of (\$1,000,000) one million dollars to be used in deepening the channel over the bar into the harbor of Galveston for admission of ocean steamers drawing twenty-six feet of water, which action is appreciated by the people of Texas; therefore,

SECTION 1. Be it resolved by the Legislature of the State of Texas, That our senators be instructed and our representatives in Congress be requested to urge by all proper exertions the early passage of said bill, and such other measures having the like object in view, which they may deem expedient, in addition to the current appropriations which their earnest efforts have already secured for that purpose.

SEC. 2. Be it further resolved, That the Legislatures of Kansas, Missouri, Nebraska, Colorado, New Mexico, Arizona, Arkansas, Iowa, and all others that are interested, be and are hereby requested to take into consideration the same subject, and take appropriate action for the advancement of their agricultural and commercial interests, by aiding in the accomplishment of this work, by memorializing Congress, and by such other means as they may think advisable.

SEC. 3. Be it further resolved, That the governor of Texas be requested to transmit copies of these resolutions to the governors and Legislatures of the States named, and ask their co-operation, and also to transmit copies hereof to our senators and representatives in Congress.

SEC. 4. The fact that the Legislatures of several of the States mentioned in this resolution are in session, and the Congress of the United States is in session, and is soon to adjourn, and to be effective this resolution should reach said several legislative bodies speedily, creates a public necessity for the suspension of the rule requiring bills to be read on three several days, and creates an emergency that this resolution should take effect from and after its passage, and it is so enacted.

Approved January 24, A. D. 1881.

Takes effect from passage.

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No. 3.—Joint Resolution granting leave of absence to the Hon. Jo. Abbott, judge of the twenty-eighth judicial district.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That the Hon. Jo. Abbott, judge of the twenty-eighth judicial district is hereby granted leave of absence from the State of Texas for the period of three successive months to begin the first day July, A. D. 1881.

Approved February 9, A. D. 1881.

Takes effect ninety days after adjournment.

No. 4.—Joint resolution instructing our senators and requesting our representatives in Congress to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draft of water on the bars of Bazos de Santiago, Aransas, Sabine Pass, Pass Cavallo and the mouth of Brazos and Buffalo Bayou, in the State of Texas.

SECTION 1. Resolved by the Legislature of the State of Texas, the House of Representatives concurring, That our senators in Congress be instructed, and our representatives be requested to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draft of water on the bar of Brazos de Santiago in the State of Texas, in order to meet the growing demands of commerce naturally tributary to this important port.

SEC. 2. Be it further resolved, that similar action be asked for the bar at Aransas Pass, Sabine Pass, Pass Cavallo, and the mouth of Brazos and Buffalo Bayou in said State.

SEC. 3. Be it further resolved, that immediately upon the passage of these resolutions, the secretary of state be, and he is hereby directed to furnish each of our senators and representatives in Congress with certified copies of the same.

SEC. 4. Be it further resolved, that the short period now remaining before the expiration of the present Congress creates a necessity for suspending the rule which requires all bills to be read on three different days in each house, and such rule is accordingly suspended, and that these resolutions take effect and be in force from and after their passage.

Approved February 12, A. D. 1881.

Takes effect from passage.

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No. 5.—Joint Resolution authorizing the governor to employ a suitable and competent architect or architects to assist the board of commissioners appointed to superintend the construction of a new capitol, and to provide for the payment of his services.

WHEREAS, The commissioners heretofore appointed by the governor to make a selection of a plan for the erection of a new capitol, have advertised for plans and specifications for the construction of such building, and have a number of such plans now before them, and inasmuch as it is a question of great delicacy and necessarily involves great responsibility, to the end that satisfaction may be assured in their final determination and in accordance with the recommendation of his excellency the governor and the request of the two building commissioners and the superintending architect, that a skilled and impartial architect be employed to assist in the examination and selection of plans which shall be subject to the approval of the governor and heads of departments; therefore,

SECTION 1. Be it resolved by the Legislature of the State of Texas, That the governor is hereby authorized to select and employ some skillful and impartial architect or architects to aid, with his advice and assistance, the board heretofore appointed to superintend the construction of the new capitol, in the adoption of plans for the erection of such build-

ing, the selection of proper building material and all other matters connected with the adoption of such plans.

SEC. 2. That the sum of two thousand dollars, or so much thereof as may be necessary, from the proceeds of the fifty thousand acres of land set aside to survey lands for the erection of a new capitol, to be paid under the direction of the governor, be and is hereby appropriated to carry out the objects of section 1 hereof.

SEC. 3. Whereas, it is necessary, to hasten the building of the state capitol, that this resolution should take effect from and after its passage, therefore an emergency exists and an imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days, therefore that the rule be suspended and that bill take effect and be in force from and after its passage.

Approved February 15, A. D. 1881.

Takes effect from passage.

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No. 6.—Joint Resolution proposing an amendment to sections 2, 3, 5, 6, 8 and 17, article 5, of the constitution of the State of Texas.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That sections 2, 3, 5, 6, 8 and 17, article 5, of the constitution of the State of Texas shall be so amended as to read as follows:

#### ARTICLE V.—JUDICIARY.

SEC. 2. The supreme court shall consist of a chief justice and six associate justices, four of whom shall constitute a quorum of the whole. A quorum being present, they may organize two divisions, each to consist of three judges, the chief justice to co-operate with either section. Two judges of a division shall constitute a quorum. One of the members in either division dissenting may refer any question in a case, or the whole cause, to all the members of the court when a decision shall be made by a majority of a quorum of the whole that may be present. No justice shall be permanently assigned to any division, but the justices may alternate under such rules as the court may prescribe. The judges of the supreme court, in office at the time of the adoption of this article, and four judges to be appointed by the governor, shall compose the supreme court; until the next general election; and the chief justice of the present supreme court shall be chief justice of the supreme court created by this article, until the next general election, at which election there shall be elected seven justices, whose term of office shall be six years, and who shall select a chief justice from among their number, who shall hold his office for two years, or until otherwise ordered by the court. The justices of the supreme court shall be elected by the qualified voters of the State at a general election for State or county officers. They each shall be a qualified voter, and shall have arrived at the age of thirty years, and shall have been a practicing lawyer, or a judge of a district court in this State, or such judge and lawyer together, at least seven years at the time of their election. They shall hold their office for a term of six years, and each of them shall receive an annual salary of not less than three thousand six hundred dollars, which shall not be increased or diminished during his term of office. In case of a vacancy in the office of chief justice or associate justice of the supreme court, the governor shall file

the vacancy by appointment until a successor be elected at the next general election for State or county officers, and the justices so elected shall hold such offices for the unexpired term.

SEC. 3. The supreme court shall have appellate jurisdiction only except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to all civil cases of which the district or county court has original or appellate jurisdiction, and of such other cases as may be prescribed by law; but in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature may prescribe. The supreme court and the justices thereof shall have power to issue the writ of *habeas corpus*, as may be prescribed by law, and under such regulations as may be prescribed by law the said courts and the justices thereof may issue the writs of *mandamus*, *procedendo*, *certiorari* and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the supreme court to issue writs of *quo warranto* and *mandamus* in classes of cases specified by it, except as against the governor of the State. The supreme court shall also have power, upon affidavits or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October in each year until the last Saturday in June of the next year, at the capital and two other places, or at the capital only, if the Legislature shall hereafter so provide.

SEC. 5. The court of appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They each shall be a qualified voter, and shall have arrived at the age of thirty years, and shall have been a practising lawyer or judge of a district court in this State, or such lawyer and judge together at least seven years at the time of their election. They shall hold their office for the term of six years, and each of them shall receive an annual salary of not less than three thousand six hundred dollars, which shall not be increased or diminished during his term of office. In case of a vacancy in the office of judge of the court of appeals, the governor shall fill the vacancy by appointment until a successor be elected at the next general election, and the judge or judges so elected shall hold office for the unexpired term.

SEC. 6. The court of appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade. The court of appeals and the judges thereof shall have power to issue the writ of *habeas corpus*, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of appeals shall have power, upon affidavits or otherwise as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of appeals shall sit for the transaction of business from the first Monday in October of each year until the last Saturday in June of the next year, at the capital, and at two other places, or at the capital only, if the Legislature shall hereafter so provide.

SEC. 8. The district court shall have original jurisdiction in all criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all

misdeameanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land, and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment issuing out of said court without regard to value; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of *habeas corpus*, *mandamus*, *injunctions* and *certiorari*; and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control, in probate matters, over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates, and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners' courts, and shall have general original jurisdiction over all causes of action whatever, for which a remedy or jurisdiction is not provided by law or this constitution. All cases pending in the court of appeals, of which the supreme court has appellate jurisdiction, under the provisions of this article, shall be certified and the records transmitted to the supreme court, and shall be decided by the supreme court as if the same had been originally appealed to such court.

SEC. 17. The county court shall hold at least four terms, for both civil and criminal business, annually, as may be provided by law, and such other terms each year as may be fixed by the county commissioners courts of each county, or as may be provided by law; *provided*, the county commissioners' court of any county, having fixed the times and numbers of terms of the county court, shall not change the same again before the expiration of one year. Said county court may dispose of probate matters either in term time or vacation. Prosecution may be commenced in said court in such manner as is now or may be provided by law, and a jury therein shall consist of six men under such regulations as the Legislature may prescribe.

Be it further resolved, that the governor be and he is hereby required to issue his proclamation, directing an election to be held throughout the State on the first Tuesday in September, A. D. 1881, for the purpose of submitting the foregoing amendments to the qualified voters of the State, and to cause to be published, once a week for four weeks, at least three months prior to said election, the above proposed amendments in one weekly newspaper of each county in the State, in which a newspaper may be published, and he shall direct said election to be held in accordance with the law regulating general elections. Upon the receipt of the proclamation of the governor, the county judge shall proceed to issue his writs of election, appointing judges of election in accordance with the election law. Those desiring to vote for the amendment shall have written or printed upon their tickets: "For amendment to article five." Those desiring to vote against the amendment shall have written or printed upon their tickets: "Against the amendment to article five." Immediately after the election the officers of each precinct shall for

ward to the county judge of their county a duplicate return showing the number of votes cast for or against the amendment, and on the tenth day thereafter the county judge shall open and count said returns, and forthwith forward to the secretary of state, in a sealed package, a tabulated statement thereof, showing the total number of votes cast in the county for or against the amendment, and on the fortieth day after said election the secretary of state shall, in the presence of the governor and attorney general, open and count said returns; and if it shall appear from the returns that a majority of the votes were cast for said amendment, it shall be the duty of the governor on the following day to issue his proclamation setting forth the fact that said amendment has received a majority of the votes cast at said election and shall proclaim that said amendment has become and is a part of the State constitution, and this amendment shall take effect from and after said proclamation.

Passed March 14, 1881, by vote of two-thirds of all the members elected to each house.

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No. 7.—Joint Resolution granting the Hon. G. B. Gerald, judge of the county court of McLennan county, sixty days leave of absence from the State.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That a leave of absence from the State for a period of sixty days during the year A. D. 1881, be and is hereby granted to Hon. G. B. Gerald, judge of the county court of McLennan county, said leave to be taken between June the tenth and September the first, as best suitable to the duties of his office.

SEC. 2. Whereas, important matters call the Hon. G. B. Gerald from our State during the year A. D. 1881, and as the end of this session of the Legislature is near at hand, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring a bill to be read on three several days be suspended and that this resolution take effect and be in force from and after its passage.

Approved March 17, A. D. 1881.

Takes effect ninety days after adjournment.

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No. 8.—Joint Resolution amending section 24 of article 3 of the constitution of the State of Texas.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That section twenty-four (24) of article 3 of the constitution of the State of Texas be so amended as to hereafter read as follows (viz):

"Section 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may from time to time be provided by law, not exceeding five dollars per day. In addition to the per diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five (\$5.00) dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the comptroller of the State shall prepare and preserve a table of distances to each county seat, now

or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or a called session; *provided*, the regular session of the Legislature shall not continue longer than one hundred days."

And be it further resolved, That the governor be requested to submit to the vote of the electors of the State the foregoing proposed amendment to the constitution, at an election to be ordered on the first Tuesday in September, A. D. 1881, in accordance with the provisions of article 17 of the State constitution.

Passed March 22, 1881, by vote of two-thirds of all the members elected to each house.

**No. 9.—Joint Resolution making an appropriation for the settlement of Thomas Toby claim.**

WHEREAS, It has been satisfactorily established that the late Republic of Texas was indebted to Thomas Toby, deceased, late of New Orleans, in a large sum of money for advances made and supplies furnished and services rendered between the 24th day of May, 1836, and April 1, 1838, to aid and sustain her in her struggle for independence, which remains unpaid; and, whereas, there is a balance now of \$101,113.27 in the United States treasury belonging to the Texas debt fund applicable to the payment of all revolutionary claims of which this is one; therefore,

SECTION 1. Be it resolved by the Legislature of the State of Texas, That the sum of \$45,000 be and the same is hereby acknowledged and validated as a just debt against the reserve fund held by the government of the United States for the payment of the debt of the late Republic of Texas; and our representatives in Congress are hereby respectfully requested by bill or otherwise to move Congress to make an appropriation out of said reserved fund for the full payment of this claim, and that on such appropriation by Congress the heirs of Thomas Toby, deceased, are hereby authorized and empowered to apply for and receive from the proper authorities of the United States, the said sum of \$45,000 in full without scale or abatement.

SEC. 2. That Texas will not regard the payment of said claim as a credit on the amount now owing to the State of Texas by the United States, unless the heirs of Thomas Toby shall first, before memorializing Congress or applying to any department of the general government for payment of said claim, file in the office of the treasury of the State of Texas, a full release of all claims against the State of Texas (which may remain unsatisfied by the United States out of money due Texas and reserved by the United States.)

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

**No. 10.—Joint Resolution expressing sympathy for the people of Ireland in their struggle against the oppressive system of British landlordism.**

SECTION 1. Whereas, the people of Texas have ever been the friends of a people struggling against oppression in any form; and

Whereas, the representatives of the people in the Legislature assem-



bled, viewing with deep concern the contest now going on, in which the laboring and poor classes of Ireland seek to free themselves from the oppression of a vicious system of landlordism, deem it proper that expressions should be given to the feelings and sentiment of the people of Texas in behalf of the oppressed.

SEC. 2. Therefore, be it resolved by the Legislature of the State of Texas, That in the present struggle the people of Ireland are entitled to the sympathies of all civilized and liberty-loving nations; that they have the earnest sympathy of the people of Texas, whose liberties were born of revolution, and the Legislature sincerely hopes that the efforts now being made will speedily result in such reform in the existing land system of Ireland, as shall secure to the people of that country that relief to which in justice and common humanity they are entitled.

Passed March 26, 1881.

Takes effect ninety days from adjournment.

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No. 11.—Joint resolution instructing our senators and requesting our representatives in Congress to procure the passage of a joint resolution by the Congress of the United States, authorizing the secretary of war to loan to the adjutant general of the State of Texas, on his requisition, such camp and garrison equipage as may be needed by the State troops of Texas at their annual encampment.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That our senators are hereby instructed, and our representatives in Congress are hereby requested, to endeavor to procure the passage by the Congress of the United States of a joint resolution, authorizing the secretary of war to loan to the adjutant general of this State, on his requisition, such camp and garrison equipage as may be needed by the State troops of Texas at their annual encampment.

SEC. 2. That a copy of this joint resolution be forwarded under the signature of the president of the Senate and the speaker of the House, to each of our senators and representatives in Congress.

Passed March 29, 1881.

Takes effect ninety days after adjournment.

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No. 12.—Joint resolution granting W. E. Collard, judge of the ninth judicial district of the State of Texas, T. L. Nugent, judge of the thirtieth judicial district of the State of Texas, R. C. Beale, county judge of Navarro county, D. C. Barmore, county judge of Brazos county, and W. S. Moore, county judge of Lamar county, permission to absent themselves from the State at the times hereinafter named.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That the Hon. W. E. Collard, district judge of the ninth judicial district of the State of Texas, and Hon. T. L. Nugent, judge of the thirtieth judicial district of the State of Texas; R. C. Beale, county judge of Navarro county; D. C. Barmore, county judge of Brazos county, and W. S. Moore, county judge of Lamar county, be and they are hereby excused from the performances of the duties of said offices, and are authorized to

absent themselves from the State of Texas as follows: Hon. W. E. Collard, judge of the ninth judicial district, for the months of July and August, A. D. 1881, and Hon. T. L. Nugent, judge of the thirtieth judicial district, for two months during his vacation in the year A. D. 1882; Hon. R. C. Beale, county judge of Navarro county, for thirty days at any time during the year 1881; Hon. D. C. Barbore, county judge of Brazos county, for the months of June and July, 1881; Hon. W. S. Moore, county judge of Lamar county, during the months of July and August, A. D. 1881.

SEC. 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the rule requiring bills and resolutions to be read on three several days in each house prior to its passage, be suspended as to this resolution; and it is so enacted.

SEC. 3. That the parties herein named shall have the advantages contemplated by this act, this act should take effect at once; therefore an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

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No. 13.—Joint Resolution appropriating five thousand dollars for per diem and contingent expenses of the Seventeenth Legislature.

SECTION 1. Resolved by the Senate and House of Representatives of the State of Texas, That the sum of five thousand dollars or as much thereof as may be needed, be appropriated out of any money in the treasury not otherwise appropriated, to pay the per diem of the officers and members of the Legislature, and the contingent expenses of the Legislature.

SEC. 2. The near approach of the end of the session creates an emergency and an imperative necessity for a suspension of rules, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Approved April 1, A. D. 1881

Takes effect from passage.

THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, T. H. BOWMAN, secretary of state of the State of Texas, do hereby certify that I have compared the foregoing laws and joint resolutions, passed by the Seventeenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Seventeenth Legislature of the State of Texas convened at the city of Austin on the eleventh day of January, A. D. 1881, and adjourned on the first day of April, A. D. 1881.

In testimony whereof, I hereto sign my name and affix the seal of the State of Texas, at Austin, on this the twenty-fifth day of July, A. D. 1879.

T. H. BOWMAN,  
*Secretary of State.*

L. S.



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# SPECIAL LAWS .

OF THE

# State of Texas,

PASSED AT THE

Regular Session of the Seventeenth Legislature,

CONVENED AT THE

CITY OF AUSTIN,

January 11, 1881, and Adjourned April 1, 1881.

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BY AUTHORITY.

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## SPECIAL LAWS.

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CHAPTER I.—*An act to authorize and require the commissioner of the general land office to issue a certificate for one league of land to the heirs of Moses Herrin.*

WHEREAS, Moses Herrin emigrated to the Republic of Texas prior to May 2, 1835, was a married man and resided in Texas from the time of his said immigration until his death, about the year 1846; and,

Whereas, said Moses Herrin received from the government of Coahuila and Texas a grant of one league of land situated in Limestone county; also a certificate from the Republic of Texas for one labor of land; and,

Whereas, said grant of one league of land was and is covered by an older grant in the name of Andres Varela, and was for that reason wholly lost to said Herrin and his heirs; and,

Whereas, the heirs of said Herrin have given the notice required by law in such cases, that they will apply to this Legislature for a special law granting them a certificate for one league of land as the heirs of said Herrin; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office be, and he is hereby authorized and required to issue a certificate for one league of land to the heirs of Moses Herrin, the same to be located and patented on any of the unlocated public domain authorized by law to be located.

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER II.—*An act to amend sections 23 and 31 of an "Act entitled an act amendatory of and supplemental to an act entitled an act to consolidate in one act and amend the several acts incorporating the city of Houston in Harris county," approved April 21, A. D. 1879.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That sections 23 and 31 of an act incorporating the city of Houston, approved April 21, A. D. 1879, be so amended as to hereafter read as follows:

"Section 23. That the city council shall have the exclusive control and power over the streets, alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon, to open, alter, widen, extend, establish, regulate, grade, clean, pave

or otherwise improve the same, to put drains and sewers therein, to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury; to regulate, establish and alter the grade of all premises, and to require and compel the filling up and raising of the same; to establish, erect, construct, regulate and keep in repair all bridges, culverts, sewers, sidewalks and crossings, and to regulate the use and construction of the same, and to abate and punish any obstructions or encroachments thereon; and the cost of the construction of all such sidewalks, and grading done thereon, or the filling up and raising the grade of any premises, shall be defrayed by the owners of the lot or part of lot or block on which such sidewalk may front, or such grading or filling is done, and the cost of same, together with the cost of the collection thereof, shall be a good and valid charge against the owners of such lot or lots or block, and a lien and encumbrance upon the lot or part of lot, block or premises upon which, or in front of which, said improvements may be constructed, which amount shall be assessed as a tax against the property and the owners thereof, and may be collected and the lien foreclosed in any court having jurisdiction; *provided*, that all improvements of sidewalks, fillings and gradings shall be advertised, and let out by contract to the lowest and best bidder. The city council shall be invested with full power and authority upon the consent of a majority of the resident owners on both sides of any street, avenue or highway or of such portion thereof as may be proposed to be improved, to grade, shell, pave, repair or otherwise improve any avenue, street, alley or other highway, or any portion thereof, within the limits of said city whenever by a vote of two-thirds of the aldermen elected, they may deem such improvement for the public interest; the cost of which grading, shelling, paving or repairing shall be done at the cost and charge of the owners of the lot or lots or block fronting upon the alley, avenue, street or other highway so improved; and to make provision for the payment of the cost and expense of such improvements and the cost of collecting the same, the city council shall have full power to assess, levy and collect a tax upon the lot or lots or block or blocks fronting on such alley, avenue, street or other highway, which tax, when so levied and assessed, shall be a valid charge against the owner or owners of such lot or lots or block, as well as a lien and encumbrance upon the property itself, which amount may be collected and the said lien enforced in any court of competent jurisdiction; *provided*, that the city alone shall pay for the improving of the intersections of the streets from block to block across the streets either way; *and provided further*, that no one shall be made to pay for any improvement done on any street that may be paved or otherwise improved as hereinbefore provided, save for the proportional part of the street that may be in front of his property, and in no event shall such owner be compelled to pay for the improvement of such street more than twenty-five per cent. of the assessed value of his property fronting thereon, and that any railroad or street railway company shall be liable for any grading, paving or other improvement made upon any portion of said streets used or occupied by such companies; to secure the safety and convenience of passing in the streets, sidewalks and other places in the city, to fix the squaring, and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levees and public roads and places; to fix the place for anchoring all water craft on Buffalo Bayou; to establish an active system of inspection over the conduct of persons and premises, to prevent cattle, horses, swine, goats, geese and animals from running

at large in the streets; to establish and maintain a city police, prescribe the duties of policemen, and regulate their conduct; to provide for lighting the streets, and for this purpose may establish gas works for the manufacture of gas for the use of the city and the inhabitants thereof at cost price; to determine in what part of the city slaughter houses, bone boilers, soap makers, or other establishments for any business which is or may be injurious to the value of adjacent property, or unwholesome or disagreeable to the occupant of adjacent property, shall not be allowed to be erected; to determine in what part of the city wooden buildings shall not be erected; within the limits prescribed no person shall be permitted to erect such buildings; to prevent gunpowder or other explosive material, kerosine oil or other inflammable oils, being stored within the city limits in such quantity as to endanger the safety of adjacent property; to provide means for the protection against and extinguishment of conflagrations, and for the regulation, maintenance and support of a fire department; to permit or forbid theatres, balls, or other public amusements, and to suppress the same whenever the preservation of order, tranquility or public safety may require; to close dram shops, drinking saloons and other places where intoxicating liquors are sold, whenever necessary or expedient; to define what shall be nuisances in said city, and to abate them by summary proceedings; to provide a work-house for vagabonds and disorderly persons who are unable to pay fines, and to make regulations concerning the same; to regulate weights and measures in the city, affix penalties for violation, fix standard, etc.; also, that the city council may provide, own and maintain water works for the use of the city and its inhabitants; to provide and keep a city prison; to make all needful and proper regulations concerning bakers, butchers, keepers of taverns, grog-shops, and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage-wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains; to prevent extortion by carriers of passengers or baggage, hacks, drays, and all public conveyances, by establishing maximum rates of charges; to direct and control the laying and construction of railroad tracks turn-outs and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets; to require railroad companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary; to construct and keep in repair bridges and crossings at the intersection of streets and avenues, and over all ditches, sewers and culverts on the line of the railway; to regulate the speed of engines and locomotives within said city; to control and regulate everything concerning street railways, and generally to make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the affairs of said city, as well as for the maintenance of the peace, tranquility and safety of said city, and for the protection of the persons and property of its inhabitants. The city council of the city of Houston are hereby empowered and authorized to take and condemn land and real estate in said city to the public use, viz: for streets, alleys and public highways, for extending, straightening and widening those streets now in use, for public wharves and landing places for steamers and other water craft, and for public squares, parks and pleasure grounds. For the condemnation of any

land or real estate, the following proceedings shall be had: The city attorney or attorneys, employed by the city for that purpose, shall file a petition in the district court of Harris county against the owner of the land or real estate sought to be condemned for any of the purposes aforesaid, setting forth, first, the name or names and residence of the owner or owners, if known, and if unknown the same shall be stated; second, the description by metes and bounds of any actual survey, had for that purpose, of the land or real estate sought to be condemned; third, the purpose for which the same is proposed to be taken and applied; fourth, the supposed value of the property to be condemned; fifth, the prayer that the same be condemned to the public use for the purpose stated; and, upon the filing of such petition, like proceedings shall be had thereon as in other civil suits, and when personal service can not be had by reason of the defendant being a non-resident or unknown, service by publication shall be made as provided in other cases in the district court, and upon trial the court shall proceed to render judgment, condemning the land to public use, upon the payment of the value thereof as assessed by the jury, and upon any suit being brought thereafter against the said corporation for such property so condemned, a copy of the judgment and an actual tender of the money in court shall be sufficient answer in bar of a recovery in any such suit. All costs of proceedings for the condemnation of land and real estate under this act shall be taxed against the plaintiffs, including reasonable fees of the attorney, which the court shall appoint to represent the defendant when cited by publication."

"Sec. 31. That the city council shall have power by ordinance to annually levy, assess and collect taxes not exceeding two *per cent. ad valorem* upon all real and personal estate and property in the city not exempt from taxation, and to determine when taxes shall be paid by corporations or when by individual incorporators, and to levy and collect from each male inhabitant of the city over the age of twenty-one years an annual poll tax of one dollar. All taxes on real estate shall be a lien and charge upon the property, and it may be subjected to the payment of the same, and on all past due taxes, the city of Houston shall be entitled to charge and collect interest at the rate of ten *per centum per annum* from and after such tax or taxes shall have become due and payable."

Whereas, there is now no law providing for the efficient management, control and improvement of the streets and sidewalks in the city of Houston, and the same are in a dreadful condition on that account, there exists an imperative public necessity for dispensing with the constitutional rule requiring this bill to be read on three several days in each house of this Legislature, and an emergency which requires this act to take effect from and after its passage, and it is so enacted.

Approved March 9, A. D. 1881.

Takes effect from passage.

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CHAPTER III.—*An act to authorize the commissioner of the general land office to approve the bounty land warrant for nineteen hundred and twenty acres of land, issued on the twenty-fifth day of November, 1846, by Wm. G. Cooke, adjutant general, to the heirs of Wm. N. French.*

WHEREAS, it appears that bounty land warrant No. 149, for nineteen hundred and twenty acres of land, was, on the twenty-fifth day of November, 1846, issued by Wm. G. Cooke, adjutant general, to the heirs

of Wm. N. French; and, whereas, it further appears from the certificate of the commissioner of the general land office that said bounty warrant has never been located and surveyed, and that no certificate has been issued in lieu thereof under any special act, and further that said bounty warrant, not having been presented to the commissioner of claims for his approval, is, under the ninth section of the act of February 7, 1860, barred, and can not be located; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office be and he is hereby authorized to approve said bounty warrant, and to issue a patent for the amount of land named, when the same shall have been located and surveyed.

SEC. 2. The near approach of the end of this session of the Seventeenth Legislature, and the fact that the Legislature can not grant the relief herein sought after April next, on account of a constitutional provision on the subject, creates an emergency and an imperative public necessity, justifying the suspension of the constitutional rule requiring all bills to be read on three several days, and that this act take effect and be in force from and after its passage, said rule is therefore suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect from passage.

#### CHAPTER IV.—*An act for the relief of W. M. Harrison and L. A. Ellis.*

WHEREAS, On the fourteenth day of February, A. D. 1880, a judgment was recovered in favor of the State of Texas, in the district court of Travis county, against T. M. Bagby, late sheriff and tax collector of Marion county, and Wm. M. Harrison, and L. A. Ellis, as sureties on the bond of said Bagby, for the sum of six thousand four hundred and eighty dollars and eighty-eight cents (\$6480 88), on which a credit of one thousand dollars has been entered; and whereas, there was, at the time of the rendition of said judgment, an agreement that the collection of the same should be stayed until such time as said sureties might be able to present their equities for relief to the Seventeenth Legislature; and whereas, said sureties have made it satisfactorily to appear that at the time of the rendition of said judgment, said Bagby was entitled to the following just and equitable offset against said claim of the State, which was unknown to said sureties at said time, and which was not presented nor considered on the trial of said cause to wit: A portion of the delinquent and insolvent list of the tax-payers of Marion county for the year A. D. 1877, amounting to fifteen hundred and ninety-nine dollars and forty-three cents; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the clerk of the district court of Travis county, Texas, be and he is hereby authorized and required to enter a credit upon a judgment recorded for the sum of six thousand four hundred and eighty dollars and eighty-eight cents, against T. M. Bagby, late sheriff of Marion county, and Wm. M. Harrison and L. A. Ellis, his sureties, rendered in said district court of Travis county on the fourteenth day of February, 1880, the amount of fifteen hundred and ninety-nine dollars and forty-three cents

(§1599 43), in addition to such credits as may have heretofore been entered thereon, and said judgment endorsed satisfied to the extent of said credits.

SEC. 2. That when said credits shall have been entered, and said judgment endorsed as provided in section 1 of this act, such entry and endorsement shall be held to be a complete satisfaction and settlement of the right and claim which the State of Texas has by virtue of said judgment against said sheriff and Wm. M. Harrison and L. A. Ellis, his sureties, to the amount and extent of said credits.

SEC. 3. That the near approach of the end of the present session of the Legislature, and the fact that the State of Texas is about to press the collection of said judgment, create an imperative public necessity and emergency, which require the constitutional rule that bills be read on three several days be suspended, and that this act be in force from and after its passage, and be it so enacted.

Approved March 28, A. D. 1881.

Takes effect from passage.

#### CHAPTER V.—*An act for the relief of C. C. Gibbs.*

WHEREAS, On the — day of September, 1877, thirteen land certificates for six hundred and forty acres each, issued by the State of Texas, to the International Railroad Company, and known as International Railroad land certificates, belonging to C. C. Gibbs, were destroyed by fire, and he has been unable to have the same duplicated because they cannot be identified by their numbers; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office of this State be and is hereby authorized and required to issue to the said C. C. Gibbs thirteen land certificates of like kind of said lost certificates and to supply the place thereof; *provided*, the commissioner of the general land office is satisfied of the destruction of said land certificates before mentioned.

SEC. 2. That the time for the location of said certificates be and is hereby extended to Jannary the first, 1882.

SEC. 3. That the near approach of the end of this session of the Legislature creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and an emergency that this act take effect at once; therefore, said rule is suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 28, A. D. 1881.

Takes effect from passage.

#### CHAPTER VI.—*An act to validate donation land certificate issued to Joseph Floyd.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the donation land certificate number two hundred and sixty-four, for six hundred and forty acres of land, issued to Joseph Floyd, on the second day of June, one thousand eight hundred and thirty-eight, by George W. Hockley, secretary of war of the Republic of Texas, at the



city of Houston, for having fought bravely in battle of San Jacinto, April 21st, 1836, and which said donation certificate has never been approved by the commissioner of claims, as provided by the act of February 7th, 1860, and was not located prior to the creation of said commissioner of claims, and no special act certificate issued in lieu thereof, be and the same is hereby declared approved and validated, and is entitled to be located and surveyed upon any of the unappropriated public domain belonging to the State of Texas, and when so located and surveyed, the commissioner of the general land office of the State of Texas, is hereby required to patent same.

SEC. 2. That this act shall take effect and be in force from and after its passage.

SEC. 3. The near approach of the close of the present session of the Legislature, and the fact that the relief herein sought cannot be granted under the constitution after April next, creates an emergency and an imperative public necessity, justifying the suspension of the constitutional rule requiring all bills to be read on three several days, and that this act take effect and be in force from and after its passage; said rule is therefore suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 29, A. D. 1881.

Takes effect from passage.

## CHAPTER VII.—*An act for the relief of Thomas B. Hearne.*

WHEREAS, Thomas B. Hearne, an old veteran of the war which separated Texas from Mexico, is now in indigent circumstances, being confined to his room by reason of physical infirmities, and a great part of the time to his bed; and whereas, by virtue of the laws of the Republic and State of Texas, the said Thomas B. Hearne, as such veteran, was entitled to twelve hundred and eighty acres of land for his services as a volunteer soldier in said war; and whereas, the said Thomas B. Hearne has never received from the State of Texas the land to which he is justly entitled as such veteran, or any part thereof; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office be and he is hereby required to issue to Thomas B. Hearne a bounty land certificate for twelve hundred and eighty acres of land, which may be located upon any vacant public domain of the State of Texas, not heretofore reserved for other purposes.

SEC. 2. The near approach of the close of the session, and the fact that the said Thomas B. Hearne is an old and indigent veteran, who is in daily need of the land to which he is entitled, and is suffering for want of the same, and the fact that the State should do justice to all of her citizens, creates an emergency and an imperative public necessity that the constitutional rule requiring that this bill shall be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 30, 1881.

Takes effect from passage.

**CHAPTER VIII.**—*An act for the relief of Mrs. Marinda Hyde, Martin L. Baker, Roden T. Crain, the heirs of John P. Reynolds, and the heirs of Jacob Plummer.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office be directed and authorized to issue to Mrs. Marinda Hyde an unconditional certificate for six hundred and forty acres of land; to Martin L. Baker, for six hundred and forty acres; to Roden T. Crain, for six hundred and forty acres; to the heirs of John P. Reynolds, for one league and labor; and to the heirs of Jacob Plummer, for six hundred and forty acres.

SEC. 2. The near approach of the close of the session of the Legislature, and the rapid diminution of public lands by location of land certificates, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER IX.**—*An act to authorize and require the commissioner of the general land office to issue a patent on certificate No. 291, to the Mexican Telegraph company, a corporation chartered under the laws of the State of New York, which certificate issued to the Houston and Texas Central Railroad company for six hundred and forty acres of land, and has been located and surveyed upon the island of Brazos de Santiago in Cameron county, and to designate the alternate section of six hundred and forty acres located and surveyed adjoining the location of said certificate as belonging to the public school lands of this State.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office be and he is hereby required to issue a patent on certificate No. 291, to the Mexican Telegraph company, a corporation chartered under the laws of the State of New York, which certificate was issued to the Houston and Texas Central Railroad company for six hundred and forty acres of land, and that said commissioner be also required to designate the alternate section of six hundred and forty acres as located and surveyed by said telegraph company adjoining the location of said certificate as belonging to the public school lands of this State, as said surveys appear on the records of the general land office.

SEC. 2. *Be it further enacted,* That whereas, the said telegraph company is actually engaged in laying its cable between the Texas coast and Vera Cruz, in the republic of Mexico, thus cementing the telegraph systems of the United States and Mexico, and requires the immediate use of the necessary landing facilities of its cable and the erection of its offices and other appliances; therefore, an imperative emergency exists for the suspension of the rule that requires all bills to be read on three several days, and such rule is accordingly suspended, and that this act take effect from and after its passage.

Approved April 4, A. D. 1881.

Takes effect from passage.

CHAPTER X.—*An act for the relief of the heirs of Lewis Grooms.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office be and he is hereby authorized and required to issue to the heirs of Lewis Grooms a head-right certificate for six hundred and forty acres of land, to be located, surveyed and patented as other head-right certificates, and this act take effect and be in force from and after its passage. The near approach of the close of the session creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XI.—*An act for the relief of the heirs of Henry J. Townsend, deceased.*

WHEREAS, Henry J. Townsend settled in the State of Texas during the year 1840, he then being a married man and the head of a family; that he lived in said State as a citizen thereof until his death in 1864, and whereas, neither said Henry J. Townsend or his heirs or any one for them have received the land certificate to which said Henry J. Townsend was entitled by virtue of the laws of this State; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office of this State be and he is hereby required to issue to the heirs of Henry J. Townsend, deceased, a land certificate for six hundred and forty acres of land which said certificate can be located according to the laws of this State on any of the public domain not otherwise appropriated.

SEC. 2. The near approach of the close of the session creates an imperative public necessity for suspending the rule requiring this bill to be read on three several days and it is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XII.—*An act for the relief of J. M. Brownson.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the treasurer is hereby directed to pay to J. M. Brownson, upon his receipt for the same, the sum of one hundred dollars, out of the appropriation made for the payment of the interest on the public debt for the year 1878, in full satisfaction and cancellation of twenty coupons of five dollars each of Texas veteran bonds, which said coupons were due on the first day of July, 1878, and numbered as follows, viz: 497, 504, 730, 1414, 1419, 1641, 1644, 1650, 1652, 1654, 1655, 1657, 1662, 1663, 1664, 1986, 4914, 6136, 6541 and 6606, and which were lost in transmitting the same by mail from Victoria to Austin; *provided*, that, before said money shall be paid said J. M. Brownson shall execute and deliver to the said treasurer of the state his bond, with two solvent sureties, payable to the said

treasurer and his successors in office, for the sum of one hundred and fifty dollars; conditioned that he will refund the money, paid to him, with interest thereon, if it shall be found that it was wrongfully or improperly paid to him.

SEC. 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

• Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XIII.—*An act to repeal sections 2, 4 and 7 of an act of the Legislature of the State of Texas, entitled "An act to amend the charter of the city of Dallas," approved July 9, 1879, and to amend sections 177, 163, 90, 62 and 82, of an act of the Legislature of the State of Texas, entitled "An act to incorporate the city of Dallas, and to grant a new charter to said city," approved August 9, A. D. 1876.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That sections 2, 4 and 7 of an act of the Legislature of the State of Texas entitled "An act to amend the charter of the city of Dallas," approved July 9, A. D. 1879, be and the same are hereby repealed.

SEC. 2. That section 177 of the charter of the city of Dallas, approved August 9, 1876, be and the same is hereby amended so as to read as follows:

"Section 177. It shall be the duty of every one owning property fronting on any street in the city of Dallas, to build sidewalks, construct curbing and guttering and repair the same in front of their property, when notified by the proper city authorities, and according to ordinance.

"If the owners of any property fail to construct or repair such sidewalk, curbing or guttering, the same may be done by the city, and taxed against the property, according to cost of construction. Any one failing or refusing to build or repair the sidewalk, curbing or guttering, along their property, according to ordinance, shall be deemed guilty of a misdemeanor and punished as provided by city ordinance; *provided*, the fine for any one day's neglect shall not exceed fifty dollars."

SEC. 3. That section 163 of the charter of the city of Dallas, be amended so as to hereafter read as follows:

"Section 163. Whenever the city council shall hereafter provide by ordinance, for the establishing, opening, widening or altering any street, avenue, alley, market place or public square, or route, or sewer, either on their own motion or on a petition by a majority of the adjoining property holders, and it becomes necessary for the purpose to take private property, just compensation is to be paid therefor to the owners of the land condemned and appropriated; whenever the owner or owners of land cannot agree with a committee of the city council, as to the value of the land to be used, the mayor shall cause the value of such property, so taken, to be ascertained and assessed by a board of appraisers, consisting of six disinterested freeholders of the city, to be selected as follows:

"Whenever any of the aforesaid improvements have been determined upon by the city council, the mayor shall order the marshal to summon twelve disinterested freeholders of the city, to appear before him on a

day specified in the notice, and he shall have the owner or owners of the land to be taken, summoned to appear at the same time and place, and if the owner can not be found, then notice to be served on the agent of such owner; if any of the twelve freeholders do not appear at the time and place, the marshal shall summon the requisite number to fill the vacancies until there is a panel of twelve. From this list, the owner of the land shall have a right to strike off three, and the mayor in behalf of the city, shall have a right to except to three, and the remaining first six shall constitute a board of appraisers; said board shall have power to regulate their time of sitting, to enforce the execution of all necessary process, and they shall be presided over by the mayor, who shall instruct the board upon all questions of law arising, but shall have no voice in determining the value of the land. A majority of the board may determine and report value of the land."

SEC. 4. That section 90 of the charter of the city of Dallas be so amended as to read as follows:

"Section 90. The city council shall have a right to annually levy and collect a poll tax, not exceeding one dollar (\$1 50) and fifty cents for every year, upon all male persons, over the age of twenty-one and under sixty, residents of the city at the time of assessment."

SEC. 5. That section 62 of the city charter be amended so as to read as follows:

"Section 62. The city council shall have the right to enact all necessary ordinances to restrain and punish vagrants, mendicants, street beggars and prostitutes; to restrain, punish, regulate and control all disorderly houses of prostitution or assignation and the keepers and inmates thereof; to regulate, punish or control all gambling and keepers of games and gambling houses and those who bet on games and gambling devices, where there is an ordinance of the city of Dallas in force, punishing this or any other misdemeanor with as great a penalty as the same is punished by the statute of the State. The mayor's court of the city of Dallas shall have jurisdiction of such misdemeanors when committed in the corporate limits of the city of Dallas."

SEC. 6. That section 82 of the charter of the city of Dallas be amended so as to read as follows:

"Section 82. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations, not contrary to the constitution of the State, and necessary for the peace, order or good government of the city or the trade, commerce and health thereof, or that may be necessary and proper to carry into effect the powers vested in the corporation or any of its officers by the act of incorporation of date August 9, A. D. 1876, and this and other amendments thereto. To enforce the observance of all such ordinances, rules and police regulations and to punish violations thereof by fines and imprisonment, or either or both, or by work on the streets or other public works as may be provided by ordinance and required by the judgment of the court; *provided*, that no fine shall exceed two hundred dollars, or period of imprisonment exceed fifteen days in city jail, but the city of Dallas shall have a right by ordinance to inflict penalties not exceeding this either in fine or imprisonment."

SEC. 7. Whereas, the present session of the Legislature is near adjournment, and it is necessary that this bill be enacted to secure to the city of Dallas greater economy and efficiency in the administration of her government, an emergency and imperative public necessity exists that the

constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force thirty days from and after its passage.

Approved April 5, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XIV:—*An act entitled an act to amend sections 87, 96 97, 98, 99, 127, 131 and 132, of "An act to incorporate the City of Galveston, and to grant a new charter," approved August 2, 1876.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That section 87 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 87. Nothing contained under the head of taxation shall be construed to prevent the city council from imposing, levying and collecting special taxes and assessments for the improvement of the harbor, avenues, streets and alleys, as hereinafter provided."

SEC. 2. That section 96 of said act be and the same is hereby amended, so that hereafter it shall be as follows, to wit:

"Section 96. That if any person shall fail, neglect or refuse to pay the taxes imposed upon him and his property within the time prescribed by the ordinances of said city, the collector shall, by virtue of his tax list and assessment roll, levy upon so much property liable to taxation belonging to such person, whether resident or non-resident, as may be sufficient to pay his, her or their taxes, and if the property levied on be personal property, the collector shall give notice of the time and place of sale, together with a brief description of the property levied on and to be sold, with the amount of taxes, interest, costs and fees due thereupon, for at least ten days previous to the day of sale, by advertisements in writing, to be posted at the courthouse door of Galveston county, and at two other public places within said city limits; and at the expiration of such notice, and on the day therein specified, the collector shall proceed to sell such property, at public auction, in front of the courthouse door of said Galveston county, within the limits aforesaid. In making sales of real property for taxes, the collector shall advertise the same for sale, by posting a list of the names of delinquents, for thirty days, as follows: one copy at the courthouse door of the county of Galveston, and a copy at two other public places within said city limits, giving in said advertisement such description as is given to the same on the tax roll in his hands, stating the name of the owner, if known, and if unknown, saying "unknown," together with the time, place and terms of sale; said sale to be for cash, to the highest and best bidder, at public outcry, at said courthouse door, within said limits, between legal hours, on the first Tuesday of the month. The collector of taxes, in making sales for taxes due upon real estate, shall sell at auction, at the time and place appointed, so much of said real estate as may be necessary to pay the taxes, interest and penalties due, and all costs accruing thereon; and shall offer said real estate to the bidder who will pay the taxes, interest and penalties due, and costs of sale and execution of deed, for the least amount of said real estate, who shall be deemed the highest bidder. Should a less amount of said real estate than the whole parcel levied upon be sold for the taxes, interest and penalties due, and all costs of sale and execution and deed, the

collector shall, in making his deed to the purchaser, begin at some corner of said parcel of real estate (or lot or lots), and designate the same in a square as nearly as practicable. No real estate set apart, used or designated as a homestead shall be sold for taxes, other than the taxes due on such homestead; and if any person shall point out to the collector of taxes, within thirty days from the time the same shall become due, sufficient personal property belonging to him to pay all taxes assessed against him, together with interest, penalties and costs, the collector shall immediately levy upon and sell such property so pointed out, in accordance with the provisions hereinbefore mentioned, regulating 'tax sales' of personal property."

SEC. 3. That section 97 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 97. The collector of taxes shall execute and deliver to the purchaser, upon the payment of the amount for which the estate was sold, and costs and penalties, a deed for the real estate sold, which deed shall vest a good and perfect title in the purchaser, if not redeemed in two years, as hereinafter provided, which deed shall state the cause of sale, the amount sold, the price for which the real estate was sold, the name of the person, firm, company or corporation on whom the demand for the taxes was made, provided the name is known, and if unknown, saying 'unknown,' the same description of the land as given in the tax rolls, and such other description as may be practicable, for better identification; and when real estate has been sold he shall convey, subject to the right of redemption hereinafter provided for, all the right and interest which the former owner had therein at the time when the assessment was made. The deed of the collector, as hereinbefore provided, of any real estate sold, shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his, her or their assigns, to the premises thereby conveyed, of the following facts:

"First, that the land or lot or portions thereof conveyed, was subject to taxation or assessment, at the time the same was advertised for sale, and had been listed in the time and manner required by law.

"Second, that the taxes or assessment were not paid at any time before the same.

"Third, that the land, lot or portion thereof conveyed, had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

"1. That the land, lot or portion thereof sold, was advertised for sale in the manner and for the time required by law.

"2. That the property was sold for taxes or assessments, as stated in the deed.

"3. That the grantee in the deed was the purchaser.

"4. That the sale was conducted in the manner prescribed by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale; that the taxes or assessment had been paid; that the land or lots had never been listed and assessed for taxation and assessment as required by this act, or some ordinance of the city, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the law; but no person

shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained after the sale, and that all taxes due upon the lands have been paid by such person, or the person under whom he claims title as aforesaid; *provided, however*, that the owner of such property shall have the right to redeem the same at any time within two years of the day and date of the sale thereof, upon paying to the purchaser double the amount of the taxes for which the same was sold, together with the costs of such sale, and the amount of all taxes paid by the purchaser since such sale. The collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon the property upon which they are assessed, and if said taxes are not paid on or before the time prescribed by the ordinances of said city, the same shall, from such time, bear interest at the rate of eight (8) per centum per annum till paid, which interest shall be collected by the collector at the time and in the manner provided herein for the collection of taxes; and in case any property levied upon is about to be removed out of the city, the collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection."

SEC. 4. That section 98 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 98. If, from any cause, the sale of the property levied upon or seized for taxes, shall not take place at the time appointed, the collector shall appoint some other time, giving the like notice and proceed to sell such property in the manner prescribed in the first instance; and in case said property or any part thereof levied upon or seized for taxes, cannot be sold on the day advertised, such sale may be postponed from day to day until completed, of which postponement the collector shall give verbal notice at the expiration of sale each day. No sale shall be considered complete until payment of the purchase money, and if the same is not paid before the completion of such tax sales the collector shall resell the property and continue such sale until the same is complete."

SEC. 5. That section 99 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 99. Should the collector of taxes fail to make sale of any real estate or personal property for want of a purchaser, he shall bid the same off to the city for the taxes, interest, penalties and all costs accruing thereon, and thereupon the city shall receive in the corporate name a deed for said property, and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same, and one deed shall include all parcels of land or lots bid off to the city, in any one day, at such tax sale. And after sale and purchase by the city of any real estate it shall not be lawful for said collector to levy upon or advertise, or sell the same for any remaining or accrued taxes due thereon, until the same shall have been redeemed by the owner or is sold by the city."

SEC. 6. That section 127 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 127. The city council shall be invested with full power and authority, upon the consent of the resident owners of a majority of the frontage or property on the streets to be improved, to grade, shell, repair, pave, or otherwise improve any avenue, street or alley, or any portion



thereof, within the limits of said city, whenever, by a vote of two-thirds of the aldermen elected, they may deem such improvement for the public interest; *provided*, the city council pay one-third and the owners of the property two-thirds thereof, except the intersection of the streets, from lot to lot, across the streets either way, shall be paid for by the city alone, and said cost shall be assessed on or against the property fronting on said thoroughfares, to be collected whenever such improvement is completed and accepted by the city council; *provided, however*, that the foregoing portion of this section in relation to "the consent of the resident owners of a majority of the frontage or property on the streets to be improved" shall not apply or relate to the following territory and streets of said city, to wit: From the south side of avenue A to the north side of Church street or avenue F, and from the east side of Twentieth street to the east side of Twenty-fifth street, and also on Avenue B, or Strand street, between the east side of Eighteenth street and the east side of Twentieth street; but as to said territory and streets the city council shall have the power and authority to make or cause to be made such improvements, whenever, by a vote of two-thirds of the aldermen elected, they may deem such improvements for the public interest."

SEC. 7. That section 131 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 131. The said city shall have power to issue bonds to the extent of thirteen hundred thousand dollars (\$1,300,000) of the denomination of one hundred dollars, or any multiple thereof, payable forty years after date of their issue, bearing interest not to exceed five per cent. per annum, payable semi-annually; but the net proceeds of such bonds shall be used only in paying or redeeming legal and valid indebtedness of the city now existing; *provided*, that the bonds herein authorized to be issued shall not be sold at less than par."

SEC. 8. That section 132 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 132a. The indebtedness of said city for all purposes, general as well as special, for five years after the passage of this act shall not exceed thirteen hundred thousand dollars (\$1,300,000), nor shall such indebtedness ever thereafter exceed the amount of five per cent. of the value of the taxable property of the city as shown by the regular assessment thereof, for the purpose of taxation; and it shall be the duty of the city clerk, quarterly, to make to the city council, for their information and guidance, a full, accurate and correct statement and report of the whole indebtedness of the city, which shall also be published for three days in the official journal of the city. Any member of the city council who shall knowingly vote for or in any manner aid or promote the passage or adoption of any ordinance, resolution or other act of the city council, increasing the indebtedness of the city, beyond the limits herein prescribed, shall thereby vacate his office, and shall be deemed guilty of malfeasance in office, and being thereof convicted, shall be punished in the manner and to the extent provided in section 30 of this act.

"Section 132b. Whenever the value of the taxable property of the city of Galveston exceeds the sum of thirty million dollars (\$30,000,000), and the city council of the city of Galveston deem it advisable and necessary for the purpose of improving the city to contract additional indebtedness, a board of registration, consisting of three tax-payers, shall be appointed by the city council, whose duty it shall be to register the names of all citizens, on presentation of city tax receipts for the preceding year. The board

of registration to endorse upon the tax receipt the date and number of registration. Two-thirds of the tax-payers so registered shall be sufficient to increase the indebtedness, but not in excess of five per cent. of the taxable value of property."

SEC. 9. That all laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 10. It being important that the city of Galveston should have the power to at once enforce the speedy collection of its taxes, to improve its streets, and to issue bonds for the payment of its outstanding valid indebtedness, some of which powers do not exist, and others are doubtful under its present charter, an emergency is created that this act take effect and be in force from and after its passage, and it is so enacted, and the near approach of the close of the session, and the large amount of legislative business undisposed of, causes an imperative public necessity which justifies a suspension of the rule requiring this bill to be read on three several days, and it is so suspended.

Approved April 5, A. D. 1881.

Takes effect from passage.

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THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, T. H. BOWMAN, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing laws, passed by the Seventeenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Seventeenth Legislature of the State of Texas convened at the city of Austin on the eleventh day of January, A. D. 1881, and adjourned on the first day of April, A. D. 1881.

{ L. S. }

In testimony whereof, I hereunto sign my name and affix the seal of the State of Texas, at the city of Austin, on this the thirteenth day of May, A. D. 1881.

T. H. BOWMAN,  
*Secretary of State.*

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# GENERAL LAWS

OF THE

# STATE OF TEXAS,

PASSED AT THE

Called Session of the Seventeenth Legislature,

CONVENED AT THE

CITY OF AUSTIN,

April 6, 1882, and Adjourned May 3, 1882.

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BY AUTHORITY.

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GALVESTON, TEXAS:  
A. H. BELO & CO., STATE PRINTERS.  
1882.





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# GENERAL LAWS OF TEXAS.

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## CHAPTER I.

An Act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employees of the called session of the Seventeenth Legislature.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of mileage and per diem pay of the members and the payment of the per diem pay of the officers and employees of the called session of the Seventeenth Legislature.

SEC. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

SEC. 3. That the balance of the moneys remaining in the treasury heretofore appropriated for the per diem pay and mileage of the members and the per diem pay of the officers and employees of any preceding session of the Legislature of the State of Texas be and the same is hereby reappropriated for the purposes specified in this act.

SEC. 4. And whereas, the called session of the Seventeenth Legislature, for the payment of the members and officers of which this law is enacted, is now in session, and public policy requires this payment, therefore an imperative public necessity exists, that the rule requiring this bill to be read on three several days be suspended, and it is so enacted; and that this act take effect and be in force from and after this passage.

Approved April 11, A. D. 1882.

Takes effect from passage.

---

## CHAPTER II.

An Act making an appropriation to defray the contingent expenses of the Seventeenth Legislature, convened on April 6, 1882, in extra session, by proclamation of the Governor.

WHEREAS, It is of sufficient importance that the contingent expenses of the extra session of the Seventeenth Legislature be promptly paid, in order that the material furnished and labor performed may be procured at cash prices; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not

otherwise appropriated, to pay the contingent expenses of the extra session of the Seventeenth Legislature; and that except in the case of accounts for printing done and stationery furnished, the approval by the chairman of the committee on contingent expenses of either house, countersigned by the President of the Senate or Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer, for the payment of any account against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

SEC. 2. That the public importance of the objects herein contemplated creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring the reading of bills upon three several days, and the said rule is hereby suspended; and this act shall be in force and take effect from and after its passage.

Approved April 11, A. D. 1882.

Takes effect from passage.

---

### CHAPTER III.

An Act to provide temporary rooms for the Supreme Court, Court of Appeals, the Commissioners of Appeals and the law library of the State at Austin.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Secretary of State be, and he is hereby authorized, to contract at once with William Brueggerhoff for the rent of the upper story of his building, on Congress avenue, in Austin, and six rooms on the second floor of said building for the use of the Supreme Court, the Court of Appeals and the Commissioners of Appeals, and for the law library of the State at Austin. The said contract shall be made for three months, with the privilege of continuing for a longer period, at a rent not to exceed the rate of \$562.50 for three months, and with a proviso if the building shall be purchased by the State, during the present session of the Legislature, that no rent shall be paid.

SEC. 2. The expenses to be incurred in moving the books and furniture to said building and in preparing the rooms in said building for the courts shall be paid on vouchers, to be approved before presentation by the Secretary of State; and the sum of one thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated to carry out the provisions of this act.

SEC. 3. WHEREAS, it is necessary, in order that the Supreme Court, Court of Appeals and Commissioners of Appeals may have suitable rooms in which to hold their sessions, that this act shall take effect from and after its passage; therefore an emergency exists and [an] imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days, therefore that the rule be suspended and that this bill take effect and be in force from and after its passage.

Approved April 11, A. D. 1882.

Takes effect from passage.

## CHAPTER IV.

An Act to amend article 4256 of the Revised Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That article 4256 of the Revised Statutes of the State of Texas shall hereafter read as follows:

Article 4256. No railroad company shall demand or receive for transporting a passenger over its line of road exceeding three cents for each mile, or fraction of a mile, it may transport such passenger, and any passenger shall be entitled to have transported with him baggage, not to exceed one hundred pounds, free of charge.

Approved April 14, A. D. 1882.

Takes effect ninety days after adjournment.

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## CHAPTER V.

An Act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State may redeem the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That all lands which have been sold for taxes and bought in by the State shall be restored to the owners of the same, if within twelve months from the passage of this act said owners, or their agents, shall pay to the State the original taxes due thereon, and taxes due for each year since said sale, with eight per cent interest thereon per annum from the date of the accrual of each year's taxes, and all costs which have accrued thereon, and five per cent commissions to the collector, under such rules and regulations as shall be prescribed by the Comptroller of the State.

SEC. 2. WHEREAS, There are persons whose lands have been sold who are anxious to redeem the same, an emergency exists and an imperative public necessity demands that the constitutional rule requiring all bills to be read on three several days be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Approved April 20, A. D. 1882.

Takes effect from passage.

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## CHAPTER VI.

An Act to repeal all laws granting lands or land certificates to any person, firm, corporation or company for the construction of railroads, canals and ditches.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That all laws or parts of laws now in force granting lands or land certificates to any person, firm, corporation or company for the construction of railroads, canals and ditches, be and the same are hereby repealed.

SEC. 2. The fact that the public domain subject to location by the owners of these certificates has been exhausted creates an imperative public necessity and an emergency requiring the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended; and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 22, A. D. 1882.

Takes effect from passage.

## CHAPTER VII.

An Act to provide temporary shelter for the lunatics in the Asylum, rendered necessary by the recent burning of one of the Lunatic Asylum buildings.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of fourteen hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to erect temporary shelter for the lunatics who occupied the asylum building which was burned during the present session.

SEC. 2. The necessity of providing immediate shelter for said lunatics creates an emergency and an imperative public necessity for the immediate passage of this act, and for the suspension of the constitutional rule requiring bills to be read on three several days in each house; said rule is therefore suspended, and this act shall take effect and be in force from and after its passage.

Approved April 25, A. D. 1882.

Takes effect from passage.

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## CHAPTER VIII.

An act to authorize district judges to fix times for holding courts in newly organized counties.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That whenever any unorganized county within this State has become organized, or may hereafter become organized, there being no time fixed by law for holding district court in such counties, the district judge in whose judicial district such county is situated shall fix times to hold at least two terms of court each year in each of such counties, by a written declaration, to be forwarded by the district judge to the district clerk of the county, and by him spread on the minutes of the district court. When the times are so fixed they shall not be changed except by an act of the Legislature.

SEC. 2. Owing to the recent organization of Wilbarger county, and there being no time fixed by law for holding courts in said county, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended; and an emergency exists that this act should take effect and be in force from and after its passage, and it is so enacted.

Approved April 25, A. D. 1882.

Takes effect from passage.

---

## CHAPTER IX.

Joint Resolution authorizing the Board of Statistics to apply such portion of the existing appropriation as may be necessary for the payment of statistical clerks.

SECTION 1. *[Be it] resolved by the Senate and House of Representatives of the State of Texas,* That the Board of Statistics be, and they are hereby authorized to apply such portion of the existing appropriation as



may be necessary for the payment of statistical clerks to complete and publish the statistical work.

SEC. 2. The amount of labor to be performed, and the early demand for such statistical work, creates an emergency and an imperative necessity for a suspension of the rules, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 27, A. D. 1882.

Takes effect ninety days after adjournment.

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## CHAPTER X.

An Act to attach the unorganized county of Crockett to the county of Kinney for judicial purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the unorganized county of Crockett be, and the same is hereby attached, for judicial purposes, to the county of Kinney.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 3. The fact that under existing laws of this State the unorganized county of Crockett is not attached to any organized county for judicial purposes, and the fact that the public interests demand that said unorganized county be attached to some organized county, that the courts of this State may have jurisdiction over said unorganized county, creates an imperative public necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and an emergency that this act should take effect and be in force from and after its passage, and it is so enacted.

Approved April 28, A. D. 1882.

Takes effect from passage.

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## CHAPTER XI.

An Act to provide for running and marking the boundary line between the State of Texas and the territory of the United States, from the northeast corner of said State to the degree of longitude one hundred west from London and twenty-three degrees west from Washington, as said line is described in the treaty between the United States and Spain, of February 22, 1819, and for the payment of the expenses of such survey.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of this State be and he is hereby authorized and empowered to appoint a suitable person, or persons, who, in conjunction with such person, or persons, as may be appointed by, or on behalf of, the United States, for the same purpose, shall run and mark the boundary lines between the territories of the United States and the State of Texas, as follows: Beginning at a point where a line drawn north from the intersection of the thirty-second degree of north latitude with the western bank of the Sabine river, crosses Red river and thence following the course of said river westwardly to the degree of longitude one hundred west from London, and twenty-three degrees west from Washington, as

said line was laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818, and designated in the treaty between the United States and Spain, made February 22, A. D. 1819.

SEC. 2. Said joint commission will report their survey, made in accordance with the foregoing section of this act, together with all necessary notes, maps, and other papers, in order that in fixing that part of the boundary between the Territories of the United States and the State of Texas the question may be definitely settled as to the true location of the one-hundredth degree of longitude west from London, and whether the north fork of Red River, or the Prairie Dog fork of said river, is the true Red River designated in the treaty between the United States and Spain made February 22, 1819; and in locating said line said commissioners shall be guided by actual surveys and measurements, together with such well established marks, natural and artificial, as may be found, and such well authenticated maps as may throw light upon the subject.

SEC. 3. Such commissioner, or commissioners, on the part of Texas, shall attempt to have said survey, herein provided for by the joint commission, made and performed between the first day of July and the first day of October of the year in which said survey is made, when the ordinary stage of water in each fork of said Red River may be observed; and when the main or principal Red River is ascertained as agreed upon in said treaty of 1819, and the point is fully designated where the one-hundredth degree of longitude west from London, and twenty-third degree of longitude west from Washington, crosses said Red River, the same shall be plainly marked and defined as a corner in said boundary, and said commissioner shall establish such other permanent monuments as may be necessary to mark their work.

SEC. 4. That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry out the provisions of this act; *provided*, that the commissioner, or commissioners, on the part of Texas, shall act, in making such survey, under instructions from the Governor of the State, and shall receive for their services such sum or sums of money as the Governor may offer to pay, not to exceed the sum of three thousand dollars each; *and provided further*, that the person, or persons, to be appointed and employed by the United States are not to be paid by the State of Texas.

SEC. 5. The facts that the settlement of the boundary of that portion of the State of Texas embracing Greer county will involve important public as well private interests, which should be immediately settled, and that the present session is confined to thirty days, creates an imperative public necessity that the constitutional rule requiring that bills shall be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 2, A. D. 1882.

Takes effect from passage.

## CHAPTER XII.

An Act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032, of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032, of chapter 5, title 26, of the Revised Civil Statutes of the State of Texas, shall hereafter read as follows, respectively:

Article 1026. The Supreme Court is authorized and required to appoint one or more reporters of its decisions, who shall be subject to removal by said court for any inefficiency or neglect of duty.

Article 1027. It shall be the duty of the reporter to prepare for publication, under the direction of the Supreme Court, the decisions thereof, and cause the same to be printed and published with promptness, as fast as there shall be a sufficient number to form a volume, and shall deliver to the Secretary of State, for the use of the State, one thousand copies of each volume of the reports.

Article 1028. Each volume shall contain an average number of pages of the volumes of Texas Reports heretofore published, and each page shall be twenty-six ems, pica, wide and forty-six ems, pica, long. The type used shall be long primer and minion, of same size used in volume XXIII, Wallace's United States Supreme Court Reports. The lines shall be leaded with not thicker than eight to pica leads. The paper, press work and binding shall be of the same style, and of at least equal quality, in every respect, with the volumes of Moore's and Walker's Reports heretofore published. They shall be styled the "Texas Reports," and shall be so styled on the title page and back thereof, and the numbers of the volumes shall be continued on consecutively. The name of the reporter may be printed on the back, as on the volumes published by Moore and Walker. Each volume shall be copyrighted in the name of and for the State of Texas.

Article 1029. As soon as the opinions are recorded, the originals, together with the records and papers in each case to be reported, shall be delivered to the reporter, upon his giving a receipt therefor, who shall return them to the respective clerks from whom he received them when he shall have finished using them.

Article 1030. The reporter shall be entitled to receive, in payment for the one thousand copies of each volume, delivered as aforesaid, the following compensation, viz: The sum of five dollars and fifty cents per page for as many pages as shall be contained in one copy of each volume so delivered.

Article 1031. When the reporter shall have delivered to the Secretary of State the copies of a volume of the reports, as required by this chapter, the Comptroller of Public Accounts shall draw his warrant upon the State Treasurer for the amount of compensation due such reporter, based upon the certificate of the Secretary of State, and the certificate of the Board of Public Printing, that the reporter has delivered to the Secretary of State one thousand copies of the . . . volume of the Texas Reports, containing . . . pages, printed, published and bound in accordance with the provisions of this chapter. The Secretary of State is authorized to sell single copies of each volume delivered as aforesaid, for the sum of four dollars, exclusive of postage, the proceeds of such sales to be paid to

the State Treasurer, and the Secretary of State to report thereon in his biennial report; *provided*, that the Secretary shall retain five hundred copies of each volume for the use of the State.

Article 1032. The Supreme Court shall designate, by order or otherwise, all cases to be reported, and only such cases shall be reported as shall be designated by the Supreme Court for publication, and only the main propositions specified by the court contained in the briefs of cases reported, with the authorities relied on, shall be incorporated in such reports.

SEC. 2. That articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, shall hereafter read as follows, respectively:

Article 1077. The Court of Appeals is authorized and required to appoint one or more reporters of its decisions in criminal cases, and of such other of its decisions as may be required by law to be published; such reporters shall be subject to removal by said court for any inefficiency or neglect of duty.

Article 1078. It shall be the duty of the reporter to prepare for publication, under the direction of said court, the said decisions thereof, and cause the same to be printed and published with promptness, as fast as there shall be a sufficient number to form a volume, and shall deliver to the Secretary of State for the use of the State, one thousand copies of each volume of the reports. The Court of Appeals shall designate, by order or otherwise, all cases to be reported, and only such cases shall be reported as shall be designated by the Court of Appeals for publication, and only the main propositions specified by the court contained in the briefs of cases reported, with the authorities relied on, shall be incorporated in such reports.

Article 1079. Each volume shall contain an average number of pages of the volumes of the Texas Reports heretofore published, and each page shall be twenty-six ems, pica, wide and forty-six ems, pica, long. The type used shall be long primer and minion, of same size used in volume XXIII, Wallace's United States Supreme Court Reports. The lines shall be leaded with not thicker than eight to pica leads. The paper, press-work and binding shall be of the same style and of at least equal quality in every respect with the volumes of Moore and Walker's Reports heretofore published. They shall be styled the "Court of Appeals Reports," and shall be so styled on the title page and back thereof, and the numbers of the volumes shall be continued on consecutively. The name of the reporter may be printed on the back, as on the volumes published by Moore and Walker.

Article 1080. The reporter shall be entitled to receive in payment for the one thousand copies of each volume delivered as aforesaid, the following compensation, viz., the sum of five dollars and fifty cents per page for as many pages as shall be contained in one copy of each volume so delivered.

Article 1081. As soon as the opinions are recorded, the originals, together with the records and papers in each case to be reported, shall be delivered to the reporter, upon his giving a receipt therefor, who shall return them to the respective clerks from whom he received them, when he shall have finished using them.

Article 1082. When the reporter shall have delivered to the Secretary of State the copies of a volume of the reports as required by this chapter, the Comptroller of Public Accounts shall draw his warrant upon the

State Treasurer for the amount of compensation due such reporter, based upon the certificate of the Secretary of State, and the certificate of the Board of Public Printing, that the reporter has delivered to the Secretary of State one thousand copies of the . . . volume of the "Court of Appeals Reports," containing . . . pages, printed, published and bound in accordance with the provisions of this chapter. The Secretary of State is authorized to sell single copies of each volume delivered as aforesaid, for the sum of four dollars, exclusive of postage, the proceeds of such sales to be paid to the State Treasurer and the Secretary of State to report thereon in his biennial report; *provided*, that the Secretary of State shall retain five hundred copies of each volume for the use of the State.

SEC. 3. The fact that there is no law by which the State can retain the copyright to the reports of its Supreme and Appellate Courts, and the further fact that the public interest demands an immediate change in the existing law upon the subject, creates an imperative public necessity and an emergency that the rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect from and after its passage, and it is so enacted; *provided*, that nothing contained in this act shall be held to apply to volumes of reports the manuscript of which is now in the hands of the publisher.

Approved May 3, A. D. 1882.

Takes effect from passage.

## CHAPTER XIII.

An Act to amend title 4 of the Revised Civil Statutes of the State of Texas, and to reapportion the State into Senatorial and Representative Districts.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That articles 11, 12, 13, 14 and 15, of the Revised Civil Statutes of the State of Texas shall be so amended as to hereafter read as follows:

Article 11. The senatorial districts of the State of Texas are constituted as follows, each of which shall be entitled to elect a senator:

Number 1—The counties of Jefferson, Liberty, Orange, Jasper, Newton, Tyler, Polk, Hardin, Chambers and San Jacinto.

Number 2—The counties of Sabine, San Augustine, Nacogdoches, Shelby, Rusk and Panola.

Number 3—The county of Harrison.

Number 4—The counties of Cass, Marion, Bowie, Morris and Titus.

Number 5—The counties of Delta, Hopkins, Franklin, Camp and Hunt.

Number 6—The counties of Rains, Wood, Upshur, Gregg and Smith.

Number 7—The counties of VanZandt, Henderson, Anderson and Cherokee.

Number 8—The counties of Houston, Leon, Madison, Grimes and Angelina.

Number 9—The counties of Trinity, Walker, Montgomery and Harris.

Number 10—The counties of Galveston, Brazoria and Matagorda.

Number 11—The counties of Wharton, Colorado, Lavaca and Gonzales.

Number 12—The counties of Fort Bend, Burleson, Waller, Austin and Washington.

Number 13—The counties of Fayette, Bastrop and Lee.

Number 14—The counties of Brazos, Robertson and Milam.

Number 15—The counties of Limestone, Freestone and Navarro.

Number 16—The counties of Kaufman, Rockwall and Dallas.

Number 17—The counties of Collin and Denton.

Number 18—The counties of Grayson and Cooke.

Number 19—The counties of Montague, Clay, Wichita, Archer, Young, Throckmorton, Baylor, Wilbarger, Greer, Hardeman, Knox, Haskell, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lamb, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hansford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Castro, Deaf Smith, Terry, Oldham, Hartley, Dallam, Parmer, Hockley, Lynn, Bailey, Cochran and Yoakum.

Number 20—The counties of Jack, Wise, Tarrant and Parker.

Number 21—The counties of Johnson, Ellis and Hill.

Number 22—The counties of McLennan and Falls.

Number 23—The counties of Bell, Hamilton, Coryell and Lampasas.

Number 24—The counties of Burnet, Williamson and Travis.

Number 25—The counties of Blanco, Hays, Kendall, Comal, Guadalupe, Caldwell and Llano.

Number 26—The counties of Wilson, Karnes, Atascosa, McMullen, Live Oak, Bee, San Patricio, Refugio, Goliad, Calhoun, DeWitt, Jackson, Aransas and Victoria.

Number 27—The counties of Cameron, Hidalgo, Starr, Zapata, Encinal, Duval, Nueces, Webb, LaSalle, Dimmit, Frio, Zavalla, Uvalde, Maverick and Kinney.

Number 28—The counties of Bexar, Medina, Bandera, Kerr, Edwards, Gillespie, Mason, Kimble, Menard, Crockett, Tom Green, Presidio, El Paso and Pecos.

Number 29—The counties of Stephens, Eastland, Comanche, Brown, San Saba, McCulloch, Coleman, Callahan, Shackelford, Jones, Taylor, Runnels, Concho, Nolan, Fisher, Mitchell, Scurry, Howard, Borden, Dawson, Martin, Gaines and Andrews.

Number 30—The counties of Palo Pinto, Hood, Somervell, Erath and Bosque.

Number 31—The counties of Fannin, Lamar and Red River.

Article 12. The county judges of the following counties shall receive returns and count the votes and issue certificates of election to persons receiving the highest number of votes for Senator at any election in their respective districts, to-wit:

First district—Tyler county.

Second district—Rusk county.

Third district—Harrison county.

Fourth district—Bowie county.

Fifth district—Hopkins county.

Sixth district—Smith county.

Seventh district—Anderson county.

Eighth district—Houston county.

Ninth district—Harris county.

Tenth district—Galveston county.

Eleventh district—Lavaca county.

Twelfth district—Washington county.

Thirteenth district—Bastrop county.

Fourteenth district—Brazos county.  
Fifteenth district—Navarro county.  
Sixteenth district—Dallas county.  
Seventeenth district—Collin county.  
Eighteenth district—Grayson county.  
Nineteenth district—Montague county.  
Twentieth district—Tarrant county.  
Twenty-first district—Ellis county.  
Twenty-second district—McLennan county.  
Twenty-third district—Coryell county.  
Twenty-fourth district—Travis county.  
Twenty-fifth district—Hays county.  
Twenty-sixth district—Goliad county.  
Twenty-seventh district—Webb county.  
Twenty-eighth district—Bexar county.  
Twenty-ninth district—Eastland county.  
Thirtieth district—Erath county.  
Thirty-first district—Lamar county.

#### REPRESENTATIVE DISTRICTS.

Article 13 shall hereafter read as follows: Article 13. The representative districts of the State, and the number of representatives to be elected by each district, are as follows:

Number 1—The counties of Liberty, Chambers, Jefferson, Orange and Hardin shall elect one representative.

Number 2—The counties of San Jacinto and Polk shall elect one representative.

Number 3—The counties of Jasper, Tyler and Newton shall elect one representative.

Number 4—The counties of Nacogdoches and Angelina shall elect one representative.

Number 5—The counties of Sabine, Shelby and San Augustine shall elect one representative.

Number 6—The county of Rusk shall elect one representative.

Number 7—The county of Panola shall elect one representative.

Number 8—The county of Cherokee shall elect one representative.

Number 9—The county of Anderson shall elect one representative.

Number 10—The counties of Anderson and Henderson shall elect one representative.

Number 11—The counties of Camp and Upshur shall elect one representative.

Number 12—The county of Smith shall elect one representative.

Number 13—The county of Houston shall elect one representative.

Number 14—The county of Harrison shall elect one representative.

Number 15—The counties of Harrison, Panola, Rusk, Shelby, Sabine and San Augustine shall elect one representative.

Number 16—The county of Cass shall elect one representative.

Number 17—The counties of Marion, Cass, Bowie and Morris shall elect two representatives.

Number 18—The county of Red River shall elect one representative.

Number 19—The counties of Titus, Franklin and Red River shall elect one representative.

Number 20—The county of Lamar shall elect one representative.

Number 21—The county of Fannin shall elect one representative.

Number 22—The counties of Lamar and Fannin shall elect one representative.

Number 23—The counties of Lamar, Fannin and Delta shall elect one representative.

Number 24—The county of Hopkins shall elect one representative.

Number 25—The county of Hunt shall elect one representative.

Number 26—The county of Van Zandt shall elect one representative.

Number 27—The county of Grayson shall elect two representatives.

Number 28—The county of Collin shall elect one representative.

Number 29—The counties of Denton and Collin shall elect one representative.

Number 30—The county of Cooke shall elect one representative.

Number 31—The counties of Cooke and Grayson shall elect one representative.

Number 32—The county of Denton shall elect one representative.

Number 33—The county of Dallas shall elect two representatives.

Number 34—The county of Tarrant shall elect one representative.

Number 35—The counties of Dallas, Tarrant and Rockwall shall elect one representative.

Number 36—The county of Johnson shall elect one representative.

Number 37—The county of Ellis shall elect one representative.

Number 38—The county of Hill shall elect one representative.

Number 39—The counties of Johnson, Hill, Ellis and Navarro shall elect one representative.

Number 40—The counties of Hood, Erath, Bosque and Somervell shall elect two representatives.

Number 41—The counties of Young, Wise and Jack shall elect one representative.

Number 42—The counties of Palo Pinto, Stephens and Eastland shall elect one representative.

Number 43—The counties of Throckmorton, Shackelford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Wilbarger, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman and Dallam shall elect one representative.

Number 44—The counties of Montague and Clay shall elect one representative.

Number 45—The county of Wise shall elect one representative.

Number 46—The county of Parker shall elect one representative.

Number 47—The county of Kaufman shall elect one representative.

Number 48—The county of Robertson shall elect one representative.

Number 49—The counties of Leon and Madison shall elect one representative.

Number 50—The county of Brazos shall elect one representative.

Number 51—The counties of Bell, Milam and Robertson shall elect one representative.

Number 52—The county of Grimes shall elect one representative.

Number 53—The counties of Fort Bend and Waller shall elect one representative.



- Number 54—The counties of Montgomery, Walker, Trinity and Harris shall elect three representatives.
- Number 55—The county of Falls shall elect one representative.
- Number 56—The county of Bell shall elect one representative.
- Number 57—The county of Milam shall elect one representative.
- Number 58—The county of Limestone shall elect one representative.
- Number 59—The county of Freestone shall elect one representative.
- Number 60—The county of Navarro shall elect one representative.
- Number 61—The county of McLennan shall elect one representative.
- Number 62—The counties of McLennan, Limestone and Falls shall elect one representative.
- Number 63—The counties of Coryell and Hamilton shall elect one representative.
- Number 64—The counties of Galveston and Brazoria shall elect one representative.
- Number 65—The county of Galveston shall elect one representative.
- Number 66—The counties of Brazoria, Galveston, Matagorda and Wharton shall elect one representative.
- Number 67—The county of Colorado shall elect one representative.
- Number 68—The county of Austin shall elect one representative.
- Number 69—The county of Lavaca shall elect one representative.
- Number 70—The county of Fayette shall elect two representatives.
- Number 71—The county of Washington shall elect one representative.
- Number 72—The counties of Washington, Burleson and Lee shall elect one representative.
- Number 73—The counties of Burleson and Lee shall elect one representative.
- Number 74—The county of Bastrop shall elect one representative.
- Number 75—The county of Travis shall elect two representatives.
- Number 76—The counties of Burnet and Lampasas shall elect one representative.
- Number 77—The counties of Brown and Comanche shall elect one representative.
- Number 78—The county of Williamson shall elect one representative.
- Number 79—The counties of Llano, San Saba, Concho, McCulloch, Coleman and Runnels shall elect one representative.
- Number 80—The counties of El Paso, Edwards, Menard, Pecos, Presidio, Crockett and Tom Green shall elect one representative.
- Number 81—The counties of Kinney, Dimmit, Frio, Maverick, Uvalde and Zavalla shall elect one representative.
- Number 82—The counties of Atascosa, Karnes and Wilson shall elect one representative.
- Number 83—The counties of Duval, Encinal, Hidalgo, Starr, Webb and Zapata shall elect two representatives.
- Number 84—The counties of Bandera, Kerr, Kimble, Mason, Kendall and Medina shall elect one representative.
- Number 85—The counties of Bee, LaSalle, Live Oak, McMullen, Nueces and San Patricio shall elect one representative.
- Number 86—The county of Bexar shall elect two representatives.
- Number 87—The counties of Aransas, Calhoun, DeWitt, Goliad, Jackson, Refugio and Victoria shall elect two representatives.
- Number 88—The county of Cameron shall elect one representative.
- Number 89—The counties of Blanco, Comal and Gillespie shall elect one representative.

Number 90—The county of Gonzales shall elect one representative.

Number 91—The counties of Caldwell, Guadalupe and Hays shall elect two representatives.

Number 92—The county of Harris shall elect one representative.

Number 93—The counties of Smith and Gregg shall elect one representative.

Number 94—The counties of Wood and Rains shall elect one representative.

In the several representative districts composed of more counties than one, the county judges of the following named counties shall receive the returns and issue certificates of election to the representatives elected in their respective districts; and article 14 of the Revised Civil Statutes shall read as follows:

In the first district—Jefferson county.

In the second district—Polk county.

In the third district—Tyler county.

In the fourth district—Nacogdoches county.

In the fifth district—Shelby county.

In the tenth district—Henderson county.

In the eleventh district—Upshur county.

In the fifteenth district—Rusk county.

In the seventeenth district—Bowie county.

In the nineteenth district—Titus county.

In the twenty-second district—Lamar county.

In the twenty-third district—Lamar county.

In the twenty-ninth district—Collin county.

In the thirty-first district—Grayson county.

In the thirty-fifth district—Dallas county.

In the thirty-ninth district—Ellis county.

In the fortieth district—Hood county.

In the forty-first district—Wise county.

In the forty-second district—Eastland county.

In the forty-third district—Shackelford county.

In the forty-fourth district—Montague county.

In the forty-ninth district—Leon county.

In the fifty-first district—Bell county.

In the fifty-third district—Waller county.

In the fifty-fourth district—Montgomery county.

In the sixty-second district—McLennan county.

In the sixty-third district—Coryell county.

In the sixty-fourth district—Galveston county.

In the sixty-sixth district—Galveston county.

In the seventy-second district—Burleson county.

In the seventy-third district—Burleson county.

In the seventy-sixth district—Burnet county.

In the seventy-seventh district—Brown county.

In the seventy-ninth district—Llano county.

In the eightieth district—El Paso county.

In the eighty-first district—Kinney county.

In the eighty-second district—Karnes county.

In the eighty-third district—Webb county.

In the eighty-fourth district—Bandera county.

In the eighty-fifth district—Live Oak county.

In the eighty-seventh district—Aransas county.

In the eighty-ninth district---Blanco county.

In the ninety-first district---Caldwell county.

In the ninety-third district---Gregg county.

In the ninety-fourth district---Wood county.

Article 15. In all senatorial or representative districts comprised of but one county, the county judge of that county shall receive the returns and issue the certificate of election to the senator or representative elected, as provided in article 12.

SEC. 2. The near approach of the close of the session, and the large amount of business undisposed of, creates an imperative public necessity justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved May 3, A. D. 1882.

Takes effect ninety days after adjournment.

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## CHAPTER XIV.

An Act to provide for the destruction of certain engraved bonds of the State, which were never used, engraved under acts approved August 5, 1870, and April 21, 1879, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Treasurer of the State shall, in the presence of the Governor and Comptroller, burn the engraved four and five per cent bonds, with coupons attached, which were engraved under an act approved April 21, 1879, and which were never used, aggregating in amount about one million eight hundred and fifty-one thousand and eighty dollars. That the six hundred bonds for one thousand each, now stored in the vaults of the Bank of New York, shall, under the direction of the State Treasurer, be canceled in New York before their return to the Treasury Department of the State and final burning.

SEC. 2. That the Governor, Treasurer and Comptroller shall sign a written statement specifying all the bonds destroyed under this act, with the date of their burning, specifying the numbers, which shall be filed by the Treasurer, and be safely deposited and kept in the vault of the treasury.

SEC. 3. The Treasurer shall also, in the presence of the Governor and Comptroller, burn the engraved bonds with coupons attached now stored in the Governor's office, known as the International Railroad bonds, said bonds reciting, on their face, to have been issued by virtue of "An act to incorporate the International Railroad Company, and to provide for the aid of the State in constructing the same," approved August 5, 1870; some of said bonds being unsigned and some having on them the signature of Edmund J. Davis and G. W. Honey; and the Treasurer shall also keep and file a record of these bonds so destroyed, as provided in section two above.

SEC. 4. That the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to carry out the provisions of this act.

SEC. 5. WHEREAS, The coupons of the five hundred dollar bonds issued under said act bear the lithograph signature of the Governor of the State, and the interest of the State requires their immediate destruction, an emergency and an imperative public necessity exists for

suspending the rule requiring bills to be read on three several days, and for the immediate passage of this act; therefore, said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved May 4, A. D. 1882.

Takes effect from passage.

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## CHAPTER XV.

An Act to amend article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That article 3602, chapter 10, title 71, of the Revised Civil Statutes, shall be amended so as to read hereafter as follows:

Article 3602. Any person who may be convicted of a misdemeanor or petty offense, and who shall be committed to jail in default of the payment of the fine and costs adjudged against him, shall be hired out to any individual, company or corporation within the county of conviction, to remain in said county; and the proceeds of said hiring, when collected, shall be applied, first, to the payment of the costs, and second, to the payment of the fine, and every convict shall be entitled to a credit of fifty cents on his fine and costs for each day he may serve under such hiring, including Sundays, and he shall be discharged at any time upon payment of the balance due on his fine and costs, or upon the expiration of his term of service; his term of service in no event to be greater than one day for each fifty cents of fine and costs; *provided*, that in no case shall the counties be responsible to the officers for their costs. And in no case shall such convict be hired out for a longer period than two years for failure to pay a fine and costs, and on the expiration of said time, unless by his hire such fine and costs have been sooner paid off, said convict shall be finally discharged.

SEC. 2. The near approach of the end of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is suspended.

Approved May 4, A. D. 1882.

Takes effect ninety days after adjournment.

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## CHAPTER XVI.

An Act to provide for temporary capitol buildings for the use of the several departments and branches of the State government, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Capitol Board, consisting of the Governor, Comptroller, Treasurer, Attorney-General and Commissioner of the General Land Office, be and they are hereby fully authorized and empowered to purchase or rent suitable property and buildings, or to contract with some suitable person or persons for the erection, in the city of Austin, of a suitable building or buildings for the use of the Legislature, Supreme Court, Court of Appeals, Commissioners of Appeals, Treasurer, Comptroller,

Governor, and Secretary of State, Attorney-General, Adjutant-General, Commissioner of Insurance, Statistics and History, and all the other necessary offices and places of business for the different branches of the State government (except for the Commissioner of the General Land Office); such building or buildings to be fitted up so as to be safe and comfortable for the use of such departments and officers until such time as the new State capitol building now being erected is ready for occupancy; *provided*, that if the board shall purchase any building the owner of said building shall execute to the Secretary of State a good bond in the amount of \$20,000, to be approved by the Secretary of State, conditioned that the said owner, or owners will repurchase the same building or buildings from the State upon the completion of the new capitol building, at the same price paid by the State for the same.

SEC. 2. The said Capitol Board, in arranging for such temporary capitol building or buildings, are hereby fully empowered to sell, or to use in any way that they may determine is for the best interest of the State, all the rock and other building material now contained in the ruins of the old capitol building, the Supreme Court building and the Treasurer's and Comptroller's building, and they are authorized to have all such buildings removed, if they think best to do so, the material, or the proceeds to be used in the construction, repair, or purchase of such temporary capitol buildings mentioned in section 1 of this act.

SEC. 3. That if such Capitol Board shall purchase property upon which to establish such temporary capitol building or buildings, or any part thereof, before making such purchase they shall cause the title to such property to be carefully examined, and all encumbrances, if any, to be removed from such title; and they shall be fully satisfied that the buildings erected, or to be erected upon such property, can be protected from fires, and can be made reasonably comfortable during all seasons of the year.

SEC. 4. That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not heretofore appropriated for other purposes, in order to carry out the provisions of this act; and whenever it may be necessary to pay out any of said money, the Capitol Board shall direct the Comptroller to issue his warrants upon the Treasurer for the amounts directed to be paid out, and the Treasurer shall pay such warrants upon presentation; and said Capitol Board shall make no contract involving a greater expense to the State than the amount herein appropriated.

SEC. 5. The facts that the present session of the Legislature is near its close, and that no arrangement has been made for the temporary capitol building, or buildings, for the different branches of the State government, while the new capitol building is being erected, create an imperative public necessity that the constitutional rule requiring that bills shall be read on three several days, be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 4, A. D. 1882.

Takes effect from passage.

## CHAPTER XVII.

An Act to amend articles 4632, 4664 and 4665, chapter 1, title 95, of the Revised Statutes, as amended March 24, 1881.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That article 4662 of the Revised Statutes shall hereafter read as follows:

Article 4662. There shall be levied and collected an annual ad valorem State tax of three-tenths of one per centum of the cash value thereof, estimated in lawful currency of the United States, on all real property situated, and on all movable property owned, in this State on the first day of January of each and every year, except so much thereof as may be exempted by the Constitution and laws of this State, which cash value shall be estimated in lawful currency of the United States.

SEC. 2. That article 4664 of the Revised Statutes shall hereafter read as follows:

Article 4664. There shall be levied and collected from every male person between the ages of twenty-one and sixty years, resident within this State, on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf and dumb, or those who have lost one hand or one foot, excepted), an annual poll tax of one dollar and fifty cents, one dollar for the benefit of free schools and fifty cents for general revenue purposes; *provided*, that no county shall levy more than twenty-five cents poll tax for county purposes.

SEC. 3. That article 4665 be so amended as to hereafter read as follows:

Article 4665. That there shall be levied on and collected from every person, firm, company or association of persons pursuing any of the following named occupations, an annual tax, except when herein otherwise provided, on every such occupation or separate establishment as follows:

From every merchant whose purchases amount to one hundred thousand dollars annually, one hundred and twenty-five dollars; from every merchant whose annual purchases amount to fifty thousand dollars, sixty dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars, twenty-five dollars; from every merchant whose annual purchases amount to fifteen thousand dollars, twenty dollars; from every merchant whose annual purchases amount to ten thousand dollars, twelve dollars; from every merchant whose annual purchases amount to five thousand dollars, six dollars; from every merchant whose annual purchases amount to two thousand dollars or less, three dollars; from every commercial traveler, drummer, salesman, or solicitor of trade, by sample or otherwise, an annual occupation tax of thirty-five dollars, payable in advance; *provided*, that the tax herein required to be paid by such commercial traveler, drummer, salesman or solicitor shall be paid to the Comptroller of Public Accounts, whose receipts, under seal, shall be evidence of the payment of such tax; *and provided further*, that no county, city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman or solicitor; *provided*, that nothing herein contained shall apply to any one soliciting subscriptions for religious, literary or historical books or maps, or to persons soliciting for nurseries, newspapers and gravestones; *provided further*, that every commercial traveler, drummer, salesman or solicitor of trade shall, on demand of the tax collector of any county of the State, or of any peace officer of said county,

exhibit to such officer the Comptroller's receipt above mentioned; and every commercial traveler, drummer, salesman or solicitor of trade who shall fail or refuse to exhibit said receipt to such officer on demand by him, shall be deemed guilty of a misdemeanor, and fined in a sum not less than twenty-five nor more than one hundred dollars.

A merchant, in the meaning of this act, is any person, firm or association of persons engaged in buying and selling goods, wares and merchandise, of any kind whatever.

From every traveling person selling patent or other medicines, one hundred and seventy-five dollars; and no traveling person shall so sell until said tax is paid; *provided*, that this tax shall not apply to commercial travelers, drummers, or salesmen, making sales or soliciting trade for merchants engaged in selling drugs or medicines, who shall be taxed as other commercial drummers.

From every fortune-teller one hundred and seventy-five dollars.

From every clairvoyant or mesmerist who plies his or her vocation for money, five dollars for each and every county in which such vocation is carried on.

From every person, firm, or association of persons engaged in discounting and shaving paper, or engaged in business as money brokers or bankers, or dealers in stocks, securities or bills of exchange, or in buying and selling bonds, State or county warrants, or other claims against the State, an annual tax of sixteen dollars in a city or town of not more than two thousand inhabitants; in a city or town of five thousand and not less than two thousand inhabitants, an annual tax of forty dollars; in a city or town of ten thousand and not less than five thousand inhabitants, an annual tax of eighty dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants an annual tax of one hundred and twenty dollars; in a city or town of more than twenty thousand inhabitants, an annual tax of one hundred and sixty dollars.

From every operator or owner of any daguerrean, photograph, or other such like gallery, by whatever name called, if in any incorporated city or town of less than five thousand inhabitants, six dollars; if more than five thousand inhabitants, fourteen dollars; and if elsewhere, four dollars; and from every person soliciting work for any daguerrean, photograph or such like gallery, or for persons engaged in the business of copying or enlarging pictures or photographs of any character, where such gallery is not situated in, or such business is not in the county in which he solicits such work, seven dollars.

From every auctioneer doing business in a city of ten thousand inhabitants or more, an annual tax of forty-five dollars; from every auctioneer in a city or town of five thousand and not more than ten thousand inhabitants, thirty dollars; from every auctioneer in a city or town of two thousand inhabitants and not more than five thousand, eighteen dollars; from auctioneers in all other towns or villages, twelve dollars.

From every person, firm or association of persons following the occupation of ship brokers or ship agents, if in a city or town of ten thousand inhabitants, or more, twenty dollars; if in a city or town of less than ten thousand inhabitants, seven dollars.

From every keeper of a toll-bridge, an annual tax of seven dollars.

From every person, firm or association of persons selling upon commission, an annual tax of seven dollars.

From every land agent there shall be collected an annual tax of five dollars.

The term "land agent" shall be construed to mean any person, firm or association of persons performing, for compensation, any of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term "land agent" shall not be so construed as to levy tax upon attorneys in addition to the one hereinafter levied.

From every person practicing law and from every conveyancer, five dollars; *provided*, that attorneys at law shall only pay county occupation tax in the county of his or their residence.

From every physician, surgeon, oculist or medical specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of forty dollars in each county where he may practice his profession.

From every dentist, five dollars.

From every other person, firm or association of persons pursuing the occupation of posting up advertising bills or notices, tacking up advertising cards or notices of tin, wood or other material, printing or lettering words or pictures on fences or other places, as a means of advertising, the sum of twenty dollars per annum for the State, and in each county in which the occupation may be pursued an annual tax of four dollars; *provided*, that this clause shall not be so construed as to tax persons advertising their own business.

From every person or firm keeping a shooting gallery at which a fee is paid or demanded, an annual tax of sixteen dollars in each county.

For every billiard, bagatelle, pigeon-hole, devil-among-the-tailors, or jenny-lind table, or anything of the kind used for profit, twenty dollars; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit.

From every person, firm or association of persons selling or offering for sale the illustrated Police News, Police Gazette, and other illustrated publications of like character, the sum of five hundred dollars in each county in which such sale may be made or offered to be made.

For any person or persons who shall sell pools on horse races, five dollars for each and every day they may so sell said pools.

For every nine or ten pin alley, or any other alley used for profit, by whatever name called, constructed or operated upon the principle of a bowling alley and upon which balls are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls are rolled by hand or with a cue, one thousand dollars. Any such alley used in connection with any drinking saloon or any drug store, or with any drug store where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

From all persons keeping or using for profit any hobby-horse or flying jenny, or device of that character, with or without name, sixteen dollars for each county wherein the same are kept or used.

From every foot peddler, five dollars in each county where he peddles. For every peddler with one horse or one pair of oxen, the sum of fifteen dollars in each county where he peddles. For every peddler with two horses or two pairs of oxen, thirty dollars in each county in which he may pursue such occupation; *provided*, nothing herein contained shall be so construed as to include traveling vendors of tin or earthen ware; *pro-*



*vided further*, that nothing herein contained shall be so construed as to include traveling vendors of literature exclusively religious in character, or traveling vendors of fruit and fruit trees exclusively.

For every theater or dramatic representation from which pay for admission is demanded or received, two dollars for each day they may perform, or fifty dollars per quarter; *provided*, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes shall not be herein included.

For every circus, where equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance thereof, fifty dollars, notwithstanding more than one such performance may take place daily.

For every exhibition where acrobatic [feats] are performed for profit, not connected with the circus, ten dollars for each performance.

For every sleight-of-hand performance, or exhibition of legerdemain, ten dollars.

For every fight between men and bulls, or between dogs and bulls, or between bears and dogs, or between bulls and any other animals, five hundred dollars for each performance per year.

For every cock-pit, when kept for profit, or upon which any money or thing of value is bet or paid, twenty-five dollars.

For every menagerie, wax work, or exhibition of any kind, where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admission are received; *provided*, that exhibitions by associations organized for promotion of art, science, charity, or benevolence, shall be exempt from taxation.

For every concert, where a fee for admission is demanded or received, two dollars; *provided*, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations, are excepted.

For every livery or feed stable, thirty cents for each stall, and thirty cents for each hack, buggy or other vehicle; for every hack, buggy or other vehicle let for hire, not connected with a livery stable, two dollars; for every wagon yard used for profit, not connected with a livery, feed or sale stable, five dollars.

From every life insurance company doing business in this State, an annual tax of three hundred dollars; and in every county in which they may do business, seven dollars as county tax.

From every fire, marine or guarantee insurance company doing business in this State, an annual tax of two hundred dollars; and in every county in which they may do business, seven dollars as county tax.

The State tax due from insurance companies shall be paid by such companies to the Comptroller of Public Accounts, whose receipt, under seal, shall be evidence of payment of State tax, and the county collector's receipt shall be authority to work in any county of this State for which such company has a receipt.

From every person, firm or association of persons dealing in lightning-rods, an annual tax of thirty-six dollars to the State, and eighteen dollars as county tax to the county in which such business is carried on; upon every person canvassing for the sale of lightning-rods, an annual tax of thirty-six dollars, and eighteen dollars as county tax to each county in which such canvassing is done.

From every person, firm or association of persons following the occupation of cotton broker, cotton factor or commission merchant, in a city of

more than five thousand inhabitants, an annual tax of thirty-five dollars, and in all other cases an annual tax of eighteen dollars; *provided*, that a merchant who pays an occupation tax as under section 3 of this act shall not be considered as a "cotton broker."

From every pawnbroker, an annual tax of seventy-five dollars.

From every person pursuing the occupation of a cotton buyer, five dollars; *provided*, that a merchant who pays an occupation tax as herein prescribed shall not be considered as a cotton buyer.

From every person, firm, agency, or association of persons, dealing in sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax in every county where such business may be carried on; and upon every person canvassing for the sale of sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax, in every county where such business may be carried on; *provided*, that a merchant who pays an occupation tax, as required by this section, shall not be required to pay this special tax for selling sewing machines.

From any person, firm, or association of persons, doing an express business in this State, an annual tax of five hundred dollars shall be levied and collected, this tax to be paid by such person, firm, or association of persons, doing an express business, to the Comptroller of Public Accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of the payment of the State, county and municipal occupation tax.

From every person, firm, or association of persons owning or running any palace, sleeping or dining room cars, on any railroad in this State, there shall be collected an annual tax of fifty cents per mile for each and every mile of any and all railroads in this State over which such cars may run. The tax herein due shall be paid by such person, firm, or association of persons, to the Comptroller of Public Accounts, whose receipt under seal shall be issued to the person, company or firm, certified copies of which shall be evidence of the payment of State tax; *provided*, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every person, firm or association of persons owning or running any railroad cars, steamboats or stage coaches in this State there shall be collected quarterly on the first days of January, April, July and October of each year, a tax of three-fourths of one per centum on steamboats and stage coaches, and one-half of one per centum on railroads upon their gross receipts from all passenger travel within this State, the said gross receipts to be returned under oath by said owner, agent or manager to the Comptroller, and said tax to be collected by the Comptroller under such regulations as he may prescribe; *provided*, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every chartered telegraphic company, doing business within this State, there shall be collected one cent for every full-rate message sent by any person within this State to any person within this State, and one-half that for any message less than a full rate message so sent. This tax to be paid quarterly to the Comptroller, on the sworn statement of the chief manager of said company or companies, or any other officer authorized by said company to make said statement, who shall keep a record of such messages; and the receipts of the Comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax; *provided*, railroad messages for run-

ing their trains and for company use shall not be taxed; *provided further*, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon such chartered companies for messages sent and messages sent on official business by officers of the United States.

For each telephone company doing business in this State, an annual tax of fifty dollars, and for each county in which they may do business a county tax of ten dollars.

From each gas company, manufacturing gas in towns and cities of ten thousand inhabitants or more, thirty-five dollars; in towns and cities having less than ten thousand inhabitants, twenty dollars. *Provided*, that the fact that a tax is levied by this article upon bagatelle, pigeon-hole, devil-among-the-tailors, jenny-lind table or any thing of the kind used for profit, and upon any nine or ten-pin alley or other alley used for profit shall not be construed to exempt from the punishment prescribed by law any person who may violate any of the provisions of chapter three of the Penal Code; *provided further*, that this act shall not be construed to prevent persons or firms of persons who pay an occupation tax under this act for pursuing the occupation of a merchant in a city or town from soliciting trade within the corporation limits of said city or town where they may reside.

SEC. 4. WHEREAS, The various county commissioners' courts throughout the State are about to levy taxes for the present year, therefore an emergency exists that so much of this act as relates to the ad valorem and poll rate of taxation shall take effect from and after its passage, and so much as relates to occupation taxes shall take effect July 1, 1882; and an imperative public necessity requires that the rule requiring this bill to be read on three several days in each house should be suspended, and it is so enacted.

Approved May 4, A. D. 1882.

The foregoing act received a two-thirds vote in both houses.

## CHAPTER XVIII.

An act to ascertain the deficiencies of the several departments of the State government for the year ending February 28, 1882, and for previous years, and amounts due individuals, and to make appropriations to pay the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following deficiencies in the several departments of the State government for the year ending February 28, 1882, and allowance to individuals named herein, to-wit:

### JUDICIARY DEPARTMENT.

To pay salaries of special judges.....	\$913 62
To pay registered claims for costs due sheriffs, clerks and attorneys.....	166,970 42
For services in attending on the Commissioners of Appeals for the years 1881 and 1882, to be paid in equal proportions to the sheriffs of Galveston, Smith and Travis counties.....	300 00

For purchase and rebinding of law books for Supreme Court library .....	\$1,200 00
To pay for removing Supreme Court library.....	61 50
To pay librarian for extra work of removal.....	25 00
To pay for purchase of safe.....	200 00
To pay for purchase of matting for Supreme Court building,	151 00
For furniture for Supreme Court rooms.....	62 50

## STATE DEPARTMENT.

For rent of book room from November 15, 1881, to February 28, 1882, at \$20 per month.....	70 00
To pay Gammel Bros. for recovering damaged books from ruins of capitol.....	80 00

## ADJUTANT-GENERAL'S OFFICE.

To pay for removing and guarding records and furniture saved from the burning of the capitol.....	67 75
For supplying tables, shelving and other office furniture...	257 00
For repairs on safe.....	25 00

## LEGISLATIVE.

To pay Will Lambert for indexing journals of House of Representatives for regular session of Seventeenth Legislature.....	150 00
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## PENITENTIARIES.

For conveying prisoners to penitentiaries, to be credited on claims of the State against the sheriffs entitled to the same .....	76,215 75
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## QUARANTINE.

To pay quarantine claims.....	2,421 85
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## EXECUTIVE.

For payment of rewards.....	6,308 92
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## FISH COMMISSIONER.

To pay the widow of J. H. Dinkins his salary as "Fish Commissioner" from April 1, 1881, to December 18, 1881, 8 months and 18 days, at \$1500 per annum.....	1,075 00
To pay salary of Fish Commissioner R. R. Robertson from December 21, 1881, to February 28, 1882, at \$1500 per annum .....	262 50

## PENSIONS.

To pay pensions to Texas veterans, under special acts for year 1881..... \$1,200 00

To pay members of Veteran Board their accounts, to be approved by the Governor..... 1,500 00

SEC. 2. The near approach of the close of the session, and the fact that many of these claims are past due and the several departments seriously hindered for want of an appropriation to pay others of them, creates an emergency and an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 4, A. D. 1882.

Takes effect from its passage.

## CHAPTER XIX.

Joint Resolution providing for an election to be held for the location of a branch of the University, for the instruction of the colored youths of the State.

WHEREAS, The Constitution of the State provides that there shall be a branch of the University of Texas established for the instruction of the colored youths of the State, and that the same shall be located by a vote of the people:

SECTION 1. *Be it Resolved [by the Legislature of the State of Texas,]* That the Governor is hereby instructed to issue his proclamation ordering an election to be held throughout the State, upon the day of the next general election, to-wit, on the first Tuesday after the first Monday in November, 1882, for the location of a branch of the State University, for the instruction of colored youth; and returns of said election to be made in the manner prescribed by the general election law.

SEC. 2. All localities put in nomination for the location of the colored branch of the State University shall be forwarded to the Governor at least forty days before the holding of said election, and the Governor shall embrace in his proclamation ordering said election the names of said localities; *provided*, that any citizen may vote for any locality not named in said proclamation.

SEC. 3. The locality receiving the largest number of votes shall be declared selected as the location of the branch of the University for the instruction of the colored youth of the State, and said institution shall be located at such place.

SEC. 4. The near approach of the end of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is suspended.

Approved May 5, A. D. 1882.

Takes effect ninety days after adjournment.

## CHAPTER XX.

An Act making appropriations for support of the State government for the period of time beginning March 1, 1882, and ending February 28, 1883.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of any moneys in the treasury not otherwise appropriated for the support of the State government, for the period of time beginning March 1, 1882, and ending February 28, 1883:

For completing work at and buying machinery for the Rusk penitentiary, one hundred thousand dollars .....	\$100,000 00
For completing work at and buying machinery for the Huntsville penitentiary, fifty thousand dollars .....	50,000 00
To enable the Penitentiary Board to carry on and pay the expenses of the penitentiary, should the State resume control of same, but the appropriation to be expended in no other event, forty thousand dollars .....	40,000 00
For settling with Messrs. Cunningham and Ellis, penitentiary lessees, such amount as may be due them upon adjustment at the termination of their present lease, forty thousand dollars .....	40,000 00
For library at Huntsville penitentiary, the unexpended appropriation made for 1881, five hundred dollars .....	500 00
For three additional clerks in Treasurer's office, to attend to the sale, etc., of school, University and asylum lands, one clerk to receive per year twelve hundred dollars .....	1200 00
one clerk to receive per year, one thousand dollars .....	1000 00
one clerk to receive per year, nine hundred dollars .....	900 00
For making fire-proof ceiling in General Land Office, six thousand dollars .....	6,000 00
For the purchase of such legal elementary works as may be necessary, to be selected by the judges of the Commission of Appeals, five hundred dollars .....	500 00
For books, furniture and safe for the Attorney-General's office, to supply place of those lost by recent fires, five hundred dollars .....	500 00
To pay Tom Murrah, agent for owner, for rent of rooms Nos. 6 and 8, second floor Brueggerhoff building, to April 30, 1882, occupied by Adjutant-General, one hundred and six dollars sixty-six and two-thirds cents .....	\$106 66 $\frac{2}{3}$
And for room No. 11, same floor, occupied same length of time by Capitol Commissioners, fifty-three dollars and thirty-three and one-third cents .....	53 33 $\frac{1}{3}$
And for store-room in Krohn building, same time, occupied by Secretary of State, one hundred and six dollars and sixty-six and two-thirds cents .....	106 66 $\frac{2}{3}$
Two hundred and sixty-six dollars and sixty-six and two-thirds cents .....	266 66 $\frac{2}{3}$
For additional room rent for books for Secretary of State, sixty dollars .....	60 00
For purchase of iron safe, Secretary of State's office, three hundred dollars .....	300 00
For purchase of furniture, Secretary of State's office, two hundred and fifty dollars .....	250 00

For salary of Fish Commissioner, fifteen hundred dollars..	\$1,500 00
For building a disinfecting warehouse at Galveston for quarantine purposes, to be expended by State Health Officer, and the warehouse to remain under his control, sixteen thousand dollars.....	16,000 00
<i>provided</i> , the citizens of Galveston shall contribute an additional amount sufficient to erect such warehouse as in the judgment of the Health Officer will subserve the purpose intended, otherwise the sixteen thousand dollars here appropriated shall not be expended.	
For construction and repairs of quarantine stations at Galveston, Brazos Santiago, Aransas Pass, Pass Cavallo, Orange, Sabine Pass, and such other points as may be found necessary, the unexpended balance of last year's appropriation for same purpose, four thousand dollars...	4,000 00
For purchasing provisions and supplies for Lunatic Asylum in addition to the appropriation for year ending February 28, 1883, six thousand five hundred dollars.....	6,500 00
To C. F. Millett, for fixing up Senate chamber, and for furniture for same, thirteen hundred and eighty-nine dollars and sixty-six cents.....	1,389 66
To Travis Lodge 1005, Knights of Honor, and Lone Star Lodge No. 1, Ancient Order of United Workmen, for rent of Senate chamber, and repairs, from March 27 to May 10, 1882, seven hundred and thirty-seven dollars and fifty cents.....	737 50
For completing improvements at Rusk penitentiary, water supply, drainage and heating, it being the unexpended balance of the appropriation for same purpose, made in 1881, twenty-seven thousand dollars.....	\$27,000 00
For the payment of teachers to be employed by the State board of education for the purpose of teaching the summer normal schools, the sum of three thousand dollars..	3,000 00
For paying pensions to Texas veterans under special acts, twelve hundred dollars.....	1,200 00
For roofing the uncovered galleries of the new building of the blind asylum, and for furnishing blinds for windows, nineteen hundred and forty-five dollars.....	1,945 00
To provide efficient sewerage for the lunatic asylum, State University, State Capitol, and institute for the blind, forty-five thousand dollars.....	45,000 00
To purchase hot-air apparatus for heating the institute for the blind, to be expended under direction of board of managers and superintendent, twenty-five hundred dollars	2,500 00
For additional porter hire for Supreme Court, one hundred and eighty dollars.....	180 00
For furniture for Supreme Court room and library, one hundred and twenty-five dollars.....	125 00
For watchman of such building or buildings as may be provided for the State government, said watchman to be under the direction of the superintendent of public buildings and grounds, who shall have charge of such building or buildings, one hundred and eighty dollars.....	180 00
To C. F. Millett for rent of Representative Hall from first of April to ninth of May, 1882, inclusive.....	800 00

To C. F. Millett for fitting up Opera House, and for furniture constructed, two thousand three hundred and fourteen dollars and six and two-third cents .....	\$2,314 06½
For purchase of safe for Department of Insurance, Statistics and History, two hundred dollars .....	200 00.
For payment of clerical assistance in compiling statistics to be taken out of the unexpended balance of appropriation for dissemination of statistics made by act approved April 1, 1881, seven hundred and fifty dollars.....	750 00

SEC. 2. Whereas, the near approach of the close of this session of the Legislature and the fact that these appropriations are made necessary by the recent disastrous fire which destroyed much public property, and because the public institutions here provided for are needed at once for the public good, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended and that the act take immediate effect and it is so enacted that said rule be suspended and that this act be in force from and after its passage.

Approved May 5, A. D. 1882.

Takes effect from passage.

## CHAPTER XXI.

An Act to further provide for the supervision and management of the construction of the new State Capitol building and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Capitol building Commissioners shall be required to give their constant supervision to the construction of the new State capitol building, and to perform all duties required of them by the contract existing between the State of Texas and the contractors.

SEC. 2. It shall be the duty of the commissioners to employ competent draughtsmen who, in the presence of the commissioner, shall make tracings from the original plans of the capitol buildings for the use of the contractors, which tracings shall be approved in writing by the designing architect and the commissioners. The cost of said tracings shall be paid upon the certificate of the commissioners, with the approval of the Governor, out of any money in the treasury not otherwise appropriated.

SEC. 3. The commissioners shall purchase such necessary books and stationery as will be required in the full performance of their duties. They shall also purchase a suitable fire-proof safe, in which all records and samples of materials shall be kept. They shall also be authorized, when it may be necessary, to rent a suitable room, or rooms, for their office. To carry out the provisions of this section, the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 4. There shall be appointed by the Governor, Comptroller, State Treasurer, Attorney-General and Commissioner of the General Land Office, acting as a board, a secretary, who shall be a competent accountant, who, before entering upon the duties of his office, shall enter into bond, with two or more good securities, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties under this act, payable to the State of Texas, to be approved by the Governor and



filed in the office of the Comptroller, and shall also take and subscribe the following oath, to be endorsed on said bond, to be administered by any one authorized to administer oaths, to-wit: "I, A. B., do solemnly swear that I will not, directly or indirectly, be interested or concerned with any contractor or contractors for the erection of the State capitol, or any portion thereof, or in the proceeds or profits growing out of the same, or any work or labor done thereon, or material furnished in the erection of the same, or any part thereof, during the term for which I am appointed, so help me God." And, should the said officer offend against the true intent and meaning of this oath, he shall, upon indictment and conviction, suffer all the pains and penalties of perjury; and in case of a violation of the conditions of the bond provided for, he shall be liable to an action thereon in the district court of Travis county and a judgment for such damages as may be awarded against the obligors thereto by the reason of the failure of the principal.

SEC. 5. It shall be the duty of said secretary, as soon as he shall have qualified as provided for in the foregoing section, to keep a full record of all the proceedings of said commissioners. He shall be custodian of all the papers and samples of material, and shall examine all the accounts that the contractors are required by the contract to exhibit to the State. He shall carry on all correspondence, including that between the contractors and commissioners, and shall keep a true and correct copy of the same. He shall also be required to keep an accurate account of all material delivered upon the capitol grounds, and shall accompany the commissioners in their examination of the same, and make a written description in detail of the material examined by the commissioners and record the same in a well bound book. He shall be required to furnish the contractors with a certified statement showing the materials that the commissioners deem to be in accordance with the specifications and contract, and to inform the contractors in writing of any material not suitable for the uses and purposes intended and required by the contract. He shall perform such other duties as may be required of him by the commissioners for the purpose of strictly and fully enforcing all the provisions of the plans, specifications and contract between the State and the contractors. He shall prepare for and furnish to each regular session of the Legislature a printed report and history of the proceedings and work of the commissioners in every particular. The papers, accounts and books of said secretary shall at all times be open to the inspection of any member of the Legislature, the heads of departments and the commissioners.

SEC. 6. The superintendent of construction shall be required to give a bond, conditioned in the same terms, payable to the State of Texas, and for the same amount as required of the secretary in this act. He shall also take and subscribe the same oath as required of the secretary by this act. He shall at all times act under the directions of and be subject to the control of the commissioners. The superintendent shall devote his whole time to the performance of his duties hereunder, and shall, during the time of his employment hereunder, take no work nor employment from other persons.

SEC. 7. The superintendent of construction shall receive an annual salary of twenty-five hundred dollars, the commissioners shall receive a like salary of eighteen hundred dollars each, and the secretary a like salary of eighteen hundred dollars, to be paid only while the work of constructing the capitol is in progress.

SEC. 8. The sum of twelve thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of carrying out the objects of this bill.

SEC. 9. All laws and parts of laws in conflict with the provisions of this act are hereby repealed; *provided*, this act shall not be construed to relieve any one of any duty imposed by the act to provide for building the new State capitol, approved April 18, 1879.

SEC. 10. Whereas, the progress of this important work now requires constant attention, and there is an imperative public necessity that an accurate record of the same be kept, and that the State may not be the cause of any delay in the constructing and completion of the capitol building, an emergency is created requiring the constitutional rule which requires a bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 5, A. D. 1882.

Takes effect from passage.

## CHAPTER XXII.

An Act to provide for the publication and binding of one thousand copies of the Revised Statutes, Penal Code, and Code of Criminal Procedure of the State of Texas, with the Constitutions and appendix thereto, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Secretary of State be and he is hereby authorized to have printed and bound one thousand copies of the Revised Statutes, Penal Code, and Code of Criminal Procedure of the State of Texas, with the Constitutions and appendix thereto; *provided*, that the same be done in a good and workmanlike manner, and of material equal to the fifty-fourth volume of Texas Reports, and at a price not to exceed two dollars per copy.

SEC. 2. That the sum of two thousand dollars be and is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to defray the expenses of such publication.

SEC. 3. The fact that the first edition of the Revised Statutes has been destroyed by fire in the burning of the State capitol, creates an imperative public necessity and an emergency requiring the constitutional rule requiring bills to be read on three several days, be suspended, the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved May 5, A. D. 1882.

Takes effect from passage.

## CHAPTER XXIII.

An Act for the relief of persons, firms or associations of persons who have procured license and complied with the law authorizing them to pursue the occupation of liquor dealers where they have been, or may be, prevented from pursuing such occupation on account of the adoption of local option, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That in all cases where, under the acts of the Seventeenth Legislature,

approved March 11, 1881, and April 4, 1881, any person, firm or association of persons have procured a license authorizing them to pursue the occupation of liquor dealers, and before the expiration of the time for which such license was granted, they have been or shall be prevented from pursuing such occupation by the adoption of local option in any county, justice's precinct, town or city, a proportionate amount of the taxes paid by them for the unexpired time of such license shall be refunded to them.

SEC. 2. That any person entitled to the benefit of this act may apply to the commissioners' court of the county where such license was issued for relief, and upon satisfactory proof before said court, an order shall be made for his or their relief, and a certified copy of said order by the clerk to the applicant for relief, stating amounts of State, county and city taxes due, shall be sufficient voucher to the Comptroller, county and city treasurers, to refund the amount certified to be due by virtue of said order.

SEC. 3. That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

SEC. 4. WHEREAS, Many persons in this State are entitled to have money refunded to them under the provisions of this act, and will be compelled to do without the amounts to which they are entitled for three months unless this act takes effect from passage; and,

Whereas, The early adjournment of this session renders it impossible to read this bill on three several days, therefore an emergency exists, and an imperative public necessity requires that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 5, A. D. 1882.

Takes effect from passage.

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## CHAPTER XXIV.

An Act to release certain inhabitants of Plano, county of Collin, from the payment of taxes assessed and now due for the year A. D. 1881, in consequence of a great public calamity.

WHEREAS, On the night of the twenty-seventh day of August, 1881, there occurred in the village of Plano, in Collin county, State of Texas, a terrible public calamity, the same being a sweeping and destructive conflagration, such as seldom occurred; within a few short hours every business house in the town, save one, and nine-tenths of the dwelling houses of said town succumbed to the fury of the flames, and the inhabitants thereof, almost in the twinkling of an eye, were robbed by the fiery element of every vestige of property, household goods and clothing, deprived of their habitations and left with only the consolation of their good names; and

Whereas, The deluge of fire, in proportion to the size of the visitation, was even more terrible than that which razed to the ground Chicago, the great metropolis of the northwest, and was almost as disastrous in the effects of its ravages as the showers of flame and lava that overwhelmed

the cities of Herculaneum and Pompeii, and it is the duty of all governments to alleviate the distress of its citizens, occasioned by act of Providence and otherwise than by sloth; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, (two-thirds of each house, by a vote, concurring therein), That the following named inhabitants of said county, to-wit, in the town of Plano, Collin county, the same being sufferers from the conflagration, be and they are hereby released from the payment of the several sums named, the same being the amount of State and county taxes assessed against them and now due for the year A. D. 1881, to-wit:

G. F. Flowers.....	\$ 2 50
L. Butler.....	40 90
Harvey Graham.....	2 50
Floyd Bros. & Moore.....	18 75
C. M. Rice.....	22 60
H. S. Murray.....	37 90
J. M. Skelton & Co.....	3 75
J. M. Skelton.....	3 00
W. S. Skelton.....	20 15
F. M. Bowen.....	\$20 50
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And that the several sums of taxes against said persons respectively be and the same are hereby remitted.

SEC. 2. That the Comptroller of Public Accounts of this State and the county treasurer and commissioners' court of Collin county be, and they are hereby authorized and required, to credit the tax collector of Collin county with the several sums herein and hereby released; the said Comptroller to credit him with the said several amounts of State tax, and said treasurer and commissioner's court to credit him with the several amounts of county tax, in his settlement with them for taxes collected by him for the year 1881, by deducting the same from the aggregate of the tax lists now in his hands for collection for the said year; and said tax collector be and he is hereby released from collecting said several sums, or any part thereof, from the said several persons hereby relieved; and if the said tax, or any part of the same, shall have been collected by the said collector of taxes for Collin county, then and in that case the said collector is hereby required to refund said amounts of the said tax to the persons having paid the same.

SEC. 3. An imperative necessity and emergency exists which requires the immediate passage and taking effect of this act, as the tax collector is required by law to collect said several sums of taxes by seizure and levy from the said persons if the same be not paid by the first day of —, 1882, and the several inhabitants may not, in consequence thereof, be benefited by this act, as intended; therefore, be it enacted that this act take effect and be in force from and after its passage.

Approved May 6, A. D. 1882.

Takes effect from passage.

## CHAPTER XXV.

An Act to authorize the Secretary of State to purchase for the use of the State, the Texas Reports, and to contract for the relinquishment of the copyright of said reports with persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Secretary of the State of Texas be and he is hereby authorized to purchase for the use of the State a sufficient number of the volumes of the Texas Reports, including Dallam's Decisions, now in print, which, together with those now on hand and belonging to the State, will make complete sets of three hundred volumes of each of the reports for which there are no plates in existence, and two hundred volumes each of those for which plates are in existence.

SEC. 2. That the character of work, binding, style of type, weight and quality of paper, shall be as in volume fifty-two of the Texas Reports, except volumes four to fourteen inclusive, which may be Sayles' edition.

SEC. 3. That the Secretary of State be and he is hereby authorized to pay not exceeding four dollars per volume for each of said reports; *provided*, that reports from plates of the thirty volumes now in existence shall not cost exceeding three dollars per volume, and the Secretary of State shall not purchase exceeding two hundred copies of said volumes; and that before making said contract, the Secretary be and he is hereby authorized to require that said publishing house file in his office a relinquishment to the State of Texas of the copyright on each volume of said reports, to take effect three years after the date of such contract, so that thereafter no person shall have the exclusive copyright of said reports, but the right to print, publish and sell the same shall thereafter be free to all; and that no person shall hereafter be authorized to take out a copyright to any of said reports, or to any Texas Reports hereafter to be issued, except for the State.

SEC. 4. That said reports shall be delivered by said publishing house within three years after the making of said contract, in such quantities and at such times as may be required by the Secretary of State, and the same shall be paid for when delivered, out of any funds in the treasury not otherwise appropriated. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying for said reports; *provided*, that the publisher contract with the Secretary of State that after the execution of the contract mentioned, he will, for all time to come, supply all purchasers with the reports at a sum not exceeding four dollars per volume.

SEC. 5. In order to carry into effect the provisions of this act, and to secure the State in its faithful execution, the Secretary of State is authorized to require of said publishing house the execution and filing in his office of a bond, payable to the State, in the sum of fifteen thousand dollars, with two or more good and sufficient securities, conditioned for the faithful performance of the conditions of his contract under this act.

SEC. 6. There being no complete set of Texas Reports now on hand in the office of the Secretary of State, and there being a demand therefor, creates an emergency that this act take effect and be in force from and after its passage; and the fact that the session of the Legislature is rap-

idly drawing to a close, and the necessity that some measure be provided to supply the State with reports, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so enacted.

Approved May 6, A. D. 1882.

Takes effect from passage.

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## CHAPTER XXVI.

An act to prohibit railroad companies, their officers, agents and employees from making excessive charges for carrying and transporting freight, goods, wares and merchandise, and to require said companies, their officers, agents and employees to deliver freight, goods, wares and merchandise on the payment of the freight charges due as shown by the bill of lading, and to provide penalties for the violation of this act.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That it shall be unlawful for any railroad company in this State, its officers, agents or employees, to charge and collect, or to endeavor to charge and collect, from the owner, agent or consignee of any freight, goods, wares and merchandise, of any kind or character whatever, a greater sum for transporting said freight, goods, wares and merchandise than is specified in the bill of lading.

SEC. 2. That any railroad company, its officers, agents or employees having possession of any goods, wares and merchandise, of any kind or character whatever, shall deliver the same to the owner, his agent or consignee, upon payment of the freight charges as shown by the bill of lading.

SEC. 3. That any railroad company, its officers, agents or employees that shall refuse to deliver to the owner, agent or consignee, any freight, goods, wares and merchandise, of any kind or character whatever, upon the payment, or tender of payment, of the freight charges due as shown by the bill of lading, the said railroad company shall be liable in damages to the owner of said freight, goods, wares or merchandise, to an amount equal to the amount of the freight charges for every day said freight, goods, wares and merchandise is held after payment, or tender of payment, of the charges due as shown by the bill of lading, to be recovered in any court of competent jurisdiction.

Approved May 6, A. D. 1882.

Takes effect ninety days after adjournment.

## CHAPTER XXVII.

**An Act to amend section eight of an act to amend the caption and sections one, two, three, four, five, six, seven and eight of an act entitled "An act to provide for the sale of alternate sections of lands in organized counties, as surveyed by railroad companies and other works of internal improvements, and set apart for the benefit of the common school fund ; to provide for the investment of the proceeds, and to repeal all laws in conflict therewith," approved July 8, 1879, and to provide for the sale of such land in unorganized counties.**

**SECTION 1.** *Be it enacted by the Legislature of the State of Texas,* That section 8 of the above entitled act, approved April 6, 1881, be so amended as hereafter to read as follows:

**Section 8.** That so soon as the application above named has been received by the surveyor, the applicant shall execute his obligation or promissory note for the balance of the appraised value of the land he desires to purchase, agreeing and stipulating to pay to the Governor of the State of Texas, and his successors in office, on the first day of January of each year, one-twentieth of the amount of his obligation or promissory note, with eight per cent interest on the full amount of the principal unpaid at the date of each payment of interest, giving in said obligation such description of the land purchased as is contained in his application ; *provided*, that the purchaser may have the privilege of paying the entire amount of the appraised value of said land at the date of purchase, or such amount of principal and interest as may be due at any time subsequent to the execution of his obligation or promissory note ; *and provided further*, that any payment of principal may be deferred for one or more years except the first one-twentieth ; but all payments of both principal and interest must be paid inside of twenty years, and all interest must be paid annually on or before the first day of March of each day [year]. When any land sold under the provisions of this act shall be timbered land, no person shall have the right to cut and remove any of the timber therefrom until the purchase money has been paid in full ; and no pine timbered land shall be sold for less than five dollars per acre ; and so much of any laws now in force as authorize the sale of pine timbered lands for less than five dollars per acre, is hereby repealed.

**SEC. 2.** The near approach of the close of the present session of the Legislature creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved May 6, A. D. 1882.

Takes effect from passage.

## CHAPTER XXVIII.

**Joint Resolution granting leave of absence to the Hon. J. D. McAdoo, County Judge of Washington county, and the Hon. J. H. Davis, County Judge of Franklin county, and the Hon. John C. Robertson, Judge of the Seventh Judicial District, and the Hon. William Charlton, County Judge of Kaufman county.**

**SECTION 1.** *Be it resolved by the Legislature of the State of Texas,* That the Hon. J. D. McAdoo, County Judge of Washington county, and



the Hon. J. H. Davis, County Judge of Franklin county, and the Hon. John C. Robertson, Judge of the Seventh Judicial District, and the Hon. William Charlton, County Judge of Kaufman county, be and they are hereby granted leave of absence from the State of Texas from the date of the passage of this joint resolution until the first day of September, A. D. 1882.

SEC. 2. The precarious state of the health of the said judges, and the importance that they receive the benefits of this joint resolution at once, creates an imperative public necessity justifying the suspension of the constitutional rule requiring this joint resolution to be read on three several days, and said rule is suspended; and an emergency exists that this resolution take effect and be in force from and after its passage, and it is so enacted.

Passed May 5, 1882.

Takes effect from passage.

The foregoing act was presented to the Governor of Texas for his approval on the fifth day of May, 1882, and was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

## CHAPTER XXIX.

An Act to supply the deficiency for the support and maintenance of the Prairie View Normal Institute, and to purchase library, wagon, mules and cows, and to pay for repairs heretofore made, and for damages to said institute caused by the late storm, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of four thousand, five hundred and thirty-seven dollars and thirty-two cents be appropriated out of any moneys in the State treasury, not otherwise appropriated, for the support and maintenance of the Prairie View Normal Institute for the year ending August 31, 1882; the sum of six thousand dollars for the year ending August 31, 1883, same being the balance of the appropriation unpaid, heretofore made out of the University fund, and being in lieu thereof.

SEC. 2. That the sum of two thousand dollars be appropriated out of any moneys in the State treasury, not otherwise appropriated, to pay for library, wagon and mules, and for repairs to the said building of said institute that existed prior to the late storm, and that this appropriation is in lieu of an appropriation heretofore made for the same purpose by act approved April 1, 1881.

SEC. 3. That the sum of twelve hundred dollars be appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay for repairs of said institute for damages sustained by the late storm, and the further sum of one hundred and fifty dollars, for the purchase of milch cows for the use of the institution, is hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 4. The several sums herein appropriated may be drawn by warrant of the Comptroller on the treasury, on proper vouchers, approved by the directors of said institution.

SEC. 5. The fact that said institute is, without the means requisite for its maintenance and support for the present session, and without the funds to pay for said repairs, creates an imperative public necessity that the rule requiring bills to be read on three several days prior to their passage be suspended, and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Passed May 3, 1882.

Takes effect from passage.

The foregoing act was presented to the Governor of Texas for his approval on the third day of May, A. D. 1882, and was not signed by him, nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

## CHAPTER XXX.

An Act to apportion the State of Texas into congressional districts.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That until otherwise provided by law the State of Texas shall be apportioned into the following congressional districts, each of which shall be entitled to elect one member to the Congress of the United States.

SEC. 2. The following counties shall compose the first district, to-wit: Harris, Chambers, Liberty, Jefferson, Orange, Hardin, Waller, Montgomery, Grimes, Walker, Polk, Tyler, Jasper, Newton, San Jacinto, Brazos, Madison, Trinity and Angelina.

SEC. 3. The following counties shall compose the second district, to-wit: Robertson, Leon, Houston, San Augustine, Sabine, Freestone, Anderson, Cherokee, Nacogdoches and Henderson.

SEC. 4. The following counties shall compose the third district, to-wit: Panola, Harrison, Rusk, Gregg, Smith, Wood, VanZandt, Upshur, Camp, Hunt, Shelby and Rains.

SEC. 5. The following counties shall compose the fourth district, to-wit: Cass, Marion, Bowie, Red River, Morris, Titus, Franklin, Lamar, Delta, Fannin and Hopkins.

SEC. 6. The following counties shall compose the fifth district, to-wit: Grayson, Collin, Cooke, Denton, Wise, Montague, Clay, Rockwall, Wichita, Wilbarger, Archer and Baylor.

SEC. 7. The following counties shall compose the sixth district, to-wit: Ellis, Kaufman, Dallas, Tarrant, Hill, Johnson and Bosque.

SEC. 8. The following counties shall compose the seventh district, to-wit: Galveston, Brazoria, Fort Bend, Wharton, Matagorda, Jackson, Calhoun, Victoria, Goliad, Refugio, Bee, San Patricio, Nueces, Duval, Cameron, Hidalgo, Starr, Zapata, Encinal, Webb, McMullen, LaSalle, Dimmit, Aransas, Maverick, Zavalla, DeWitt and Frio.

SEC. 9. The following counties shall compose the eighth district, to-wit: Austin, Lee, Fayette, Colorado, Lavaca, Gonzales, Caldwell, Hays, Guadalupe, Wilson, Karnes, Live Oak and Atascosa.

SEC. 10. The following counties shall compose the ninth district, to-wit: Washington, Burleson, Milam, Bell, Falls, McLennan, Limestone and Navarro.

SEC. 11. The following counties shall compose the tenth district, to-wit: Travis, Comal, Blanco, Bexar, Medina, Bandera, Uvalde, Kinney, Edwards, Kerr, Kendall, Gillespie, Kimble, Burnet, Llano, Mason, Menard, Lampasas, McCulloch, Concho, Coleman, Runnels, Bastrop, Williamson, Crockett and San Saba.

SEC. 12. The following counties shall compose the eleventh district, to-wit: Parker, Hood, Somervell, Coryell, Hamilton, Brown, Comanche, Erath, Eastland, Palo Pinto, Stephens, Jack, Young, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Nolan, Mitchell, Howard, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Tom Green, Pecos, Presidio, Childress, Swisher, Deaf Smith, Donley, Gray, Oldham, Hutchinson, Lipscomb, Sherman, Hall, Castro, Randall, Collingsworth, Carson, Hartley, Roberts, Ochiltree, Dallam, Greer, Briscoe, Parmer, Armstrong, Wheeler, Potter, Moore, Hemphill, Harde-man, Hansford and El Paso.

SEC. 13. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Passed April 29, A. D. 1882.

Takes effect ninety days after adjournment.

The foregoing act was presented to the Governor of Texas for his approval on the twenty-ninth day of April, A. D. 1882, and was not signed by him, nor returned to the house in which it originated with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

## CHAPTER XXXI.

An Act to suspend the collection of taxes due in the organized counties from the year 1871 to 1876, inclusive.

WHEREAS, the list of lands furnished by the Comptroller to collectors upon taxes assessed from the year 1871 to 1876 were compiled from old and inaccurate records; and, whereas, the taxes have been paid on many of these lands by the owners in good faith, who, through ignorance, have rendered the name of the original grantee incorrectly; and, whereas, if relief be not had from these forced sales by legislative action, owners who have paid their taxes in good faith will be forced to expensive litigation to remove clouds from their titles; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Comptroller of Public Accounts be, and he is hereby required, to suspend further collection of taxes apparently due in the organized counties from the years 1871 to 1876, inclusive; until accurate lists of taxes for said years can be furnished the county collectors.

SEC. 2. The fact that about forty counties have been furnished their lists and are proceeding to collect this tax, creates an imperative public necessity justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended; and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 16, 1882.

Takes effect from passage.

## CHAPTER XXXII.

An Act to provide for supplying the public buildings and grounds of the State with water, and to make an appropriation therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of said State, the presidents of each of the boards of managers or trustees of the lunatic, deaf and dumb, and blind asylums, the two commissioners for the building of the capitol, and the president of the board of regents of the State university, be and they are hereby fully empowered and authorized to contract, subject to the terms and conditions hereinafter stated, with responsible parties, for supplying the lunatic, deaf and dumb, and blind asylums, the Governor's mansion, the General Land Office, and the State cemetery, with water, and also for supplying the new capitol and university buildings, and grounds belonging thereto, as soon as these buildings are completed, or a necessity for water thereat arises.

SEC. 2. The contract hereby authorized to be made shall not extend for a longer period than ten years from the date of its execution.

SEC. 3. That the contractors shall guarantee not less than four effective fire streams, one hundred feet high, at the same time at each of said asylums, and shall further guarantee the mains and pipes to be of sufficient size and strength to produce these fire streams, and that the machinery shall be such as to deliver all the water necessary at each of said asylums for these fire streams, without interfering with the supply of water for other purposes at the same time these fire streams are used.

SEC. 4. That the amount to be paid for fire protection and for all other purposes at all of the asylums and at the other public buildings and grounds mentioned in section 1 of this act, shall not exceed seven thousand dollars per annum.

SEC. 5. The water supply shall be filtered and suitable for culinary and other domestic purposes, and shall be delivered in sufficient quantities for the purposes desired, and with such pressure as to be available at all times at each of the places hereinbefore mentioned.

SEC. 6. That the contractor shall execute a satisfactory bond to the State of Texas, which shall be approved by the Governor, for the faithful performance of the conditions and provisions of any contract that may be executed under the provisions of this act. The consent of a majority of the persons named in section one of this act shall be necessary to the execution of said contract, and the same shall be signed by such majority.

SEC. 7. The contract shall designate some time, not exceeding one year, when such water supply shall be ready for use at each of the asylum buildings and public grounds.

SEC. 8. There is hereby appropriated for the purpose of carrying out this contract, and paying the contractors the amount to which they may be entitled under their contract, the sum of seven thousand dollars, or so much thereof as may be necessary, to be paid quarterly on accounts to be approved by the Governor of the State.

SEC. 9. The liability of the said buildings to be destroyed, and the near approach of the close of the present session of the Legislature, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it

is so suspended, and an emergency that the same take effect from passage, and it is so enacted.

Passed May 5, A. D. 1882.

Takes effect from passage.

The foregoing act was presented to the Governor of Texas for his approval on the fifth day of May, 1882, and was not signed by him, nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, T. H. BOWMAN, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing laws, passed by the Seventeenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Seventeenth Legislature of the State of Texas convened in special session at the city of Austin on the sixth day of April, A. D. 1882, and adjourned on the fifth day of May, A. D. 1882.

In testimony whereof, I hereunto sign my name and affix  
{ L. S. } the seal of the State of Texas, at the city of Austin, on this  
the sixteenth day of May, A. D. 1882.

T. H. BOWMAN,  
Secretary of State.



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# GENERAL LAWS

OF THE

# STATE OF TEXAS,

PASSED AT THE

Regular Session of the Eighteenth Legislature,

CONVENED AT THE

CITY OF AUSTIN,

JANUARY 9, 1883, AND ADJOURNED APRIL 13, 1883.

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BY AUTHORITY OF THE STATE OF TEXAS.

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1883.





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# GENERAL LAWS OF TEXAS.

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## CHAPTER I.

An Act making an Appropriation for the Mileage and Per Diem Pay of the Members, and Per Diem Pay of the Officers and Employees of the Eighteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the sum of eighty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of mileage and per diem of the members, and the payment of the per diem of the officers and employees of the Eighteenth Legislature of the State of Texas.

SEC. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and issue warrants upon the Treasurer for the respective amounts.

SEC. 3. And whereas, the Eighteenth Legislature, for the payment of the officers and members of which this law is enacted, is in session, and public policy requires their immediate payment, therefore an emergency exists that this law take effect and be in force from and after its passage, and it is so enacted.

Approved January 17, 1883.

Takes effect from and after its passage.

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## CHAPTER II.

An Act making an Appropriation to defray the Contingent Expenses of the Eighteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the contingent expenses of the Eighteenth Legislature. That (except in cases of accounts for printing done and stationery furnished) the certificate of the chairman of the Committee on Contingent Expenses, that an account has been examined and approved by said committee, and countersigned by the President of the Senate or the Speaker of the House, as the case may be, shall be sufficient authority to authorize and require the Comptroller of

Public Accounts to draw his warrant on the State Treasury for the payment of any claim against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

SEC. 2. Whereas it is of sufficient public importance that the contingent expenses of the Legislature be promptly paid, in order that the material furnished and labor performed, may be procured at cash prices, and the want of such appropriation to pay the contingent expenses of the Eighteenth Legislature, creates an imperative public necessity that the rule requiring this bill to be read on three several days in each House should be suspended, and it is so suspended, and this act take effect from and after its passage.

Approved January 19, 1883.

Takes effect from and after its passage.

### CHAPTER III.

An Act entitled An Act to withdraw the Public Lands of the State of Texas, from sale.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That all the public lands heretofore authorized to be sold, under the act entitled "An Act to provide for the sale of the unappropriated public land of the State of Texas, and the investment of the proceeds of such sale," approved July 14, 1879, be and the same is hereby withdrawn from sale; Provided, that nothing contained in this act shall be construed to return the land reserved by an act entitled "An Act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," approved July 14, 1879, and the act amendatory of such act, approved March 11, 1881, to the mass of the public domain, but the same shall be construed to be reserved for the purposes for which said land was originally set apart and designated by said act, until the Legislature shall otherwise provide.

SEC. 2. Whereas these lands are being daily sold, to the great detriment of the State, an imperative public necessity exists for the immediate passage of this act, and that the constitutional rule requiring bills to be read on three several days should be suspended and this bill take effect from and after its passage, and it is so enacted.

Approved January 22, at one o'clock and thirty minutes, 1883.

Takes effect from and after its passage.

### CHAPTER IV.

An Act to amend Articles 245 and 247 of the Revised Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Articles 245 and 247 be amended so as to read as follows:

ARTICLE 245. A county attorney for counties in which there is not a resident criminal district attorney shall be elected by the qualified voters of each county, who shall be commissioned by the Governor and hold his office for the term of two years.

ARTICLE 247. When a resident criminal district attorney is elected and has qualified, and there is in the county of his residence, a county



attorney, such county attorney shall cease to perform the functions of such office, and there shall be no county attorney in such county during the time there may be a resident criminal district attorney therein. By the term, criminal district attorney, is meant an attorney for a criminal district court.

Approved January 24, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER V.

An Act authorizing the Commissioner of the General Land Office to employ additional Clerks, and fixing their Salaries.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be and is hereby authorized to employ six additional assistant clerks in the General Land Office for not more than ninety days after the passage of this act, at a salary not exceeding seventy-five dollars per month for each clerk.

SEC. 2. The fact that over four thousand surveys have not yet been reached for examination, and the further fact that work on other files are necessarily suspended till these surveys are examined and indexed, creates an imperative public necessity that the rule requiring bills to be read on three several days, should be suspended and an emergency exists that it take effect and be in force from and after its passage and it is so enacted.

Approved January 26, 1883.

Takes effect from and after its passage.

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## CHAPTER VI.

An Act to withdraw from sale, all the School, University and Asylum Lands, heretofore by any law of this State authorized to be sold.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That all the school, university and asylum lands heretofore authorized by any law of this State to be sold, are hereby withdrawn from sale from the passage of this act until after the expiration of ninety days from the adjournment of the Legislature.

SEC. 2 All laws and parts of laws in conflict with this act are hereby suspended until ninety days after the adjournment of this Legislature.

SEC. 3. Whereas these lands are being daily sold, to the great detriment of the State and an imperative public necessity exists for the immediate passage of the same, the constitutional rule requiring bills to be read on three several days should be suspended, and this bill take effect from and after its passage.

Approved February 3, 1883, at 10 o'clock and 30 minutes a. m.

Takes effect from and after its passage.

## CHAPTER VII.

An Act concerning Public Lands heretofore surveyed by Railroads, or Corporations, or any Company or Person, for the benefit of Public Free Schools of this State.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That any and all public lands heretofore surveyed by railroads or corporations, or any company or any person in this State, for the benefit of the public free schools of this State, by virtue of any certificate, valid or invalid, void or voidable, be and the same are hereby declared to be lands belonging to the public free schools of this State.

SEC. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. Whereas, the protection of the interest of the public free schools creates an imperative public necessity for the suspension of the constitutional rule which requires that all bills be read on three several days, said rule is therefore suspended, and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved at 2 o'clock p. m., February 3, 1883.

Takes effect from and after its passage.

## CHAPTER VIII.

An Act to amend Article 1265, of Chapter 8, Title 29 of the Revised Civil Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 1265 of Chapter 8, Title 29, of the Revised Civil Statutes of this State, be amended so that it shall hereafter read as follows viz:

ARTICLE 1265. "An answer setting up any of the following matters, unless the truth of the pleadings appear of record, shall be verified by affidavit

1. That the suit is not commenced in the proper county.
2. That the plaintiff has not legal capacity to sue.
3. That the plaintiff is not entitled to recover in the capacity in which he sues.
4. That there is another suit pending in this State between the same parties for the same cause of action.
5. That there is a defect of parties plaintiff or defendant.
6. A denial of partnership as alleged in the petition, whether the same be on the part of the plaintiff or defendant.
7. That the plaintiff or defendant alleged in the petition to be duly incorporated, is not duly incorporated.
8. A denial of the execution by himself, or by his authority, of any instrument in writing upon which any pleading is founded in whole or in part, and charged to have been executed by him, or by his authority, and not alleged to be lost or destroyed. Where such instrument in writing is charged to have been executed by a person then deceased, the affidavit will be sufficient if it state, that the affiant has reason to believe, and does believe that such instrument was not executed by the decedent or by his authority.
9. A plea denying the genuineness of the endorsement or assignment of a written instrument, as required by Article 271.

10. That a written instrument upon which a pleading is founded, is without consideration, or that the consideration of the same has failed in whole or in part.

11. That an account which is the foundation of the plaintiff's action, and supported by an affidavit is not just, and in such case the answer shall set forth the items and particulars which are unjust.

12. That the contract sued upon is usurious.

Approved February 5, 1883.

Takes effect ninety days after adjournment.

## CHAPTER IX.

An Act amending Article 4000 of the Revised Civil Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 4000 of the Revised Civil Statutes be amended so as to read as follows:

ARTICLE 4000. "There shall be printed not less than eight thousand copies of the laws of a general nature, and as many more as the printing board may require, not to exceed twelve thousand in all; and fifteen hundred copies of the special laws, including all acts for the private relief, all acts incorporating towns and cities, all acts having a local application, all acts of a personal nature, and all acts incorporating private associations, of every description that may be passed at each session of the Legislature, and one thousand copies of the journals of each house of the Legislature."

SEC. 2. Whereas, the type is set from day to day for the publication of the journal, and the same can now be done at a saving of expense to the State; therefore an imperative public necessity and emergency exist that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved February 6, 1883.

Takes effect after passage.

## CHAPTER X.

An Act to amend Article 240, of Title 8, Chapter 6 of the first section of an Act entitled "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas" passed February 21, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 240, of Title 8, Chapter 6 of the first section of an act entitled "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21, 1879, be so amended as to hereafter read as follows:

ARTICLE 240. If any officer authorized by law to demand or receive fees of office, or any person employed by such officer, shall wilfully demand, or receive higher fees than are allowed by law, or shall wilfully demand or receive fees not allowed by law, he shall be punished by fine not less than twenty-five, nor more than one hundred dollars for each offense.

Approved February 9, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XI.

An Act to diminish the civil jurisdiction of the County Court of Morris County and to conform the jurisdiction of the District Court to such change.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the County of Morris shall have and exercise general jurisdiction of probate courts, to probate wills, to appoint guardians for minors, idiots, lunatics, persons *non compos mentis* and common drunkards, to grant letters testamentary and of administration, to settle accounts of executors, administrators and guardians, and to transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis* and common drunkards, including the partition, settlement and distribution of the estates of deceased persons, and to apprentice minors as prescribed by law and to issue all writs and process necessary to the enforcement of their jurisdiction and to punish contempts under such provisions as are, or may be provided by law throughout the State.

SEC. 2. That said County Court shall have original jurisdiction over all misdemeanors, except those involving official misconduct and said court shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said county have original jurisdiction.

SEC. 3. That said County Court shall have jurisdiction in the judgment and forfeiture of all bonds and recognizances taken in criminal cases, of which cases said court has jurisdiction.

SEC. 4. That the County Judge of said county shall have authority, either in term time, or in vacation to grant writs of certiorari, mandamus and all other writs and process necessary to the enforcement of the jurisdiction of said court and shall also have power to issue writs of *habeas corpus* in all cases in which the Constitution has not conferred the power on the District Court, or the judge thereof.

SEC. 5. That the district court of said county shall have jurisdiction in all civil matters and cases over which the county court of said county has jurisdiction under the general laws of this State, except as otherwise provided in this act and all such cases are hereby transferred to the district court of said county and all writs and processes issued out of the county court in said cases shall be valid and the same shall be returnable to the next term of the district court to be held in and for said county.

SEC. 6. That the clerk of the court of the county aforesaid be and he is hereby required within twenty days after the passage of this act to make a fair and complete transcript of all the entries on his civil docket theretofore made in cases which by the provisions of this act are transferred to the district court of said county and file the same together with the original papers of all said cases, together with a certified bill of the costs in each case with the clerk of the district court of said county and all such cases shall immediately be docketed and numbered consecutively by the clerk of said court beginning with the lowest number and shall stand on the docket of said court as appearance cases for the next term of said court: And for making up said transcript, said clerk shall receive twenty cents for each hundred words, and fifty cents for each certificate, to be taxed as costs against the party cast in the action.

SEC. 7. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 8. Whereas, the immediate operation of the provisions of this act will save the county herein named a large and unnecessary expense, and thereby an emergency exists, which justifies that this act take effect and be in force from and after its passage and it is so enacted; and whereas, the time for holding the term for civil business in said county is near at hand creates an imperative public necessity which authorizes the suspension of the rule requiring this bill to be read on three several days, and said rule is so suspended.

Approved February 9, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XII.

An Act to prevent certain county officers, their deputies and employees from purchasing property at tax sales.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That if any sheriff, or collector of taxes of any county in this State, deputy sheriff, or deputy collector, or any employee of such sheriff or collector authorized by him to collect or receive taxes, or to assist in any way in making sales for the collection of taxes, shall in the county where he resides, bid for, purchase, or attempt to purchase, or be in any way interested in the purchase of any property, either real or personal, at any sale of such property, made or attempted to be, for the collection of State and county taxes, or either, he shall be fined not less than ten, nor more than one thousand (\$1000) dollars and any such officer so offending shall be deemed guilty of official misconduct and upon conviction shall be removed from office.

Approved February 9, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XIII.

An Act making an appropriation for the deficiency in the amount appropriated for Public Printing for the year beginning Feb. 28, 1882, and ending Feb. 28, 1883.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That three thousand dollars or so much thereof as may be necessary, be appropriated out of any monies in the Treasury, not otherwise appropriated, to supply the deficiency in the amount appropriated for public printing for the year beginning Feb. 28, 1882, and ending Feb. 28, 1883.

SEC. 2. The fact that the appropriation for the purpose above specified, has been exhausted, and there is now no money in the Treasury subject to drafts, for current printing, creates an imperative public necessity requiring that the constitutional rule that bills be read on three several days be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Approved February 10, 1883.

Takes effect after passage.

## CHAPTER XIV.

An Act to amend Article 800, of Chapter 3, Title 9 of the second section of "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 800, Chapter 3 of Title 9 of the second section of "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21st 1879, be so amended as to read as follows:

ARTICLE 800. When the same defendant has been convicted in two, or more cases, and the punishment assessed in each case, is confinement in the penitentiary, or the county jail for a term of imprisonment, judgment and sentence shall be rendered and pronounced in each case in the same manner as if there had been but one conviction, except that the judgment in the second and subsequent convictions shall be, that the punishment shall begin when the judgment and sentence in the preceding conviction have ceased to operate, and the sentence and execution thereof shall be accordingly.

Approved February 12, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XV.

An Act requiring the printing and publication of two thousand five hundred copies of the General Laws of the Sixteenth and Seventeenth Legislatures and the General Laws of the called session of the Sixteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Printing Board are authorized and required to contract for the printing and publication, for the use of the State, of two thousand five hundred copies of the General Laws of the regular and called sessions of the Sixteenth Legislature, and the same number of copies of the General Laws of the regular session of the Seventeenth Legislature.

SEC. 2. There not being a sufficient number of copies of the above laws in existence for the use of the officers of the State, creates an emergency requiring that this law take effect and be in force from and after its passage and it is so enacted.

Approved February 12, 1883.

Takes effect immediately.

## CHAPTER XVI.

An Act to amend Article 1135, Chapter 1, Title 28, of the Revised Civil Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 1135, Chapter 1, Title 28 of the Revised Civil Statutes, be and the same is hereby amended so as to hereafter read as follows:

ARTICLE 1135. The county judge shall keep his office at the county seat of the county and shall attend at said office from day to day. He shall not absent himself from the county, or the State without the per-

mission of the commissioners' court, to be entered on the minutes of the court, nor shall he so absent himself with such permission for a longer period than ninety days.

Approved February 12, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XVII.

An Act to amend Articles 669 and 670 of the Code of Criminal Procedure.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Articles 669 and 670 of the Code of Criminal Procedure be amended so as to read as follows:

ARTICLE 669. When two or more defendants are jointly prosecuted, they may sever in the trial upon the request of either.

ARTICLE 670. When a severance is claimed, the defendants may agree upon the order in which they are to be tried, but in case of their failure to agree, the court shall direct the order of trial.

Approved February 12, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XVIII.

An Act to provide for the Purchase of a Site for, and the Establishment, Location and Construction of a Branch Asylum in North Texas, for the Care and Treatment of the Insane, and to make an appropriation therefor.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That there shall be established and maintained, a branch asylum for the care and treatment of the insane, the same shall be located at least one hundred and fifty miles from the city of Austin, and in North Texas.

SEC. 2. The Governor shall appoint three commissioners, who shall select the site for said branch asylum, who shall receive the sum of five dollars per day, and their actual and necessary expenses incurred during the time of such service, which time shall not exceed thirty days; their accounts to be certified by the president of said board of commissioners, and approved by Governor, which shall be sufficient evidence to the Comptroller upon which to audit the claims, and draw his warrant upon the Treasurer for the respective amounts; and said board of commissioners, in selecting the site for said asylum, shall make such selection with a view to its accessibility and convenience to the greatest number of inhabitants; the supply of water, building material and fuel, drainage, fertility of soil and healthfulness, and the same shall contain at least four hundred acres and not more than two thousand acres of land.

SEC. 3. That when said board shall have made their report to the Governor, and the same has been approved by him, they shall, after thorough investigation, take title to the land selected, in the name of the State, for the use and benefit of the State Lunatic Asylum.

SEC. 4. The Governor of the State shall appoint a board of managers to consist of five persons, citizens of the State, who shall be governed by existing laws, and whose duties shall be the same as now prescribed by Title 8 of the Revised Civil Statutes.

SEC. 5. The Governor shall appoint, by and with the consent and advice of the Senate, a superintendent of said branch asylum, whose duties, qualifications, terms of office and emoluments shall be the same as are now or may hereafter be provided by law for the Superintendent of the Lunatic Asylum.

SEC. 6. The support and general management of said asylum shall be the same in every respect as are provided in Title 8 of the Revised Civil Statutes.

SEC. 7. That the superintendent of said asylum and a building supervisor, who shall be employed by the Governor, shall supervise the construction of all buildings erected upon said asylum grounds, as provided for in this act.

SEC. 8. That there shall be constructed, upon said grounds, so selected, permanent and substantial buildings, sufficient to accommodate at least five hundred inmates; said buildings to be provided with modern improvements for furnishing water, heat, ventilation, and sewerage; and the Governor shall immediately after the passage of this act, and receiving the report of the commission provided for in the second section of this bill, advertise for plans and specifications for said buildings for sixty days, and he, together with the Comptroller and Treasurer, shall let the contract for the construction of said building, according to such plan and specifications as they may adopt, to the lowest responsible bidder, who shall give a good and sufficient bond for the completion of the buildings, according to the contract.

SEC. 9. That there shall be appropriated out of the general revenue of this State, not otherwise appropriated, the sum of two hundred thousand dollars for the payment of the lands selected for a site, and expenses incurred in procuring same, and for the advancement of the improvements herein provided for, and it is further provided, that sixty thousand dollars, or so much thereof as may be necessary, may be expended in the erection of temporary buildings upon the site selected, for the immediate accommodation, care, maintenance and treatment of the insane.

SEC. 10. Whereas, there are a large number of insane persons in the jails throughout this State, who are much in need of immediate treatment, and whose condition is growing worse from their confinement, creates a public emergency and imperative necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and that the same take effect from and after its passage, and it is so enacted.

Approved February 16, 1883.

Takes effect after its passage.

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## CHAPTER XIX.

An Act making a special appropriation for the support of the Supreme Court at Galveston, Tyler and Austin.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the support of the Supreme Court at Galveston, Tyler and Austin for the year ending February 28th,



1883. For fire-proof safe \$300. For furniture, repairing, carpeting and furnishing court rooms and judges rooms \$1000. For postage and contingent expenses \$500. For purchase of law books for library \$1000. Which amounts, or so much thereof as may be required, shall be expended under the direction and with the approval of the Chief Justice of the Supreme Court.

SEC. 2. Whereas, there is no appropriation for the purposes enumerated in this bill and the same being necessary immediately, therefore an imperative public necessity and an emergency exists that the constitutional rule requiring this bill to be read on three several days, be suspended and that this act take effect and be in force from and after its passage and it is so enacted.

Approved February 16, 1883.

Takes effect after its passage.

## CHAPTER XX.

An Act to amend Article 1083 of the Code of Criminal Procedure of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 1083 of the Code of Criminal Procedure of the State of Texas, be so amended as to hereafter read as follows.

ARTICLE 1083. Grand jurors shall each receive two dollars per day for each day and for each fraction of a day that they may serve as such.

SEC. 2. Whereas, grand juries are now in session in many counties of this State, who are justly entitled to the benefits of this law, therefore an emergency exists that this law shall take effect and be in force from and after its passage and it is so enacted.

Approved February 16, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XXI.

An Act to Provide for the Improvement and Repairs of the Lunatic Asylum and the Enlargement of the Asylum Grounds, and to make an Appropriation therefor.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That there shall be appropriated out of the general revenues of the State, not otherwise appropriated, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the purpose of purchasing land, stock, furniture, putting in heating apparatus, supplying gas, erecting an addition to the old asylum building, kitchen and laundry buildings and furnishing same, repairing old buildings and water closets, drainage, replacing wooden with iron stairways in new building, erecting offices, cottages and four temporary buildings, the same to be expended under the direction of the Board of Managers of the State Lunatic Asylum.

SEC. 2. Whereas there are a number of insane persons in the State who are confined in the jails and as it is the duty of the Legislature to make immediate provision for their relief, therefore an imperative public necessity exists that the rule requiring this bill to be read on three

several days in each House should be suspended, and an emergency that this act should take effect and be in force from and after its passage and it is so enacted.

Approved February 16, 1883.

Takes effect after its passage.

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## CHAPTER XXII.

An Act to amend Article 1000, of Chapter 1, Title 13, of the second section of "An Act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas," passed February 21st, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 1000, of Chapter 1, Title 13, of the second section of "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21st, 1879, be so amended as to read as follows:

ARTICLE 1000. If other persons than the justice, jurors, counsel for the State, and the accused and his counsel are present at the inquest, they shall not interfere with the proceedings, and no question shall be asked a witness except by the justice, the accused or his counsel, counsel for the State or jurors, and the justice may fine any person violating this article for contempt of court, in any sum not to exceed twenty dollars, and may cause such person to be placed in the custody of a peace officer and removed from the presence of the inquest.

Approved February 16, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XXIII.

An Act to amend Articles 314 and 315, Chapter 3, Title 9, of the Penal Code of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Articles 314 and 315, Chapter 3, Title 9 of the Penal Code, be and they are hereby amended so as to hereafter read as follows:

ARTICLE 314. If any person shall go into, or near any public place, or into or near any private house and shall use loud and vociferous or obscene, vulgar or indecent language, or swear or curse, or yell or shriek or expose his person, or rudely display any pistol or other deadly weapon, in a manner calculated to disturb the inhabitants of such public place or private house, he shall be fined in any sum not exceeding one hundred dollars.

ARTICLE 315. A public place within the meaning of the two preceding articles, is any public road, street or alley, of a town or city, or any inn, tavern, store, grocery or workshop, or place at which people are assembled or to which people commonly resort for purposes of business, amusement, recreation or other lawful purpose.

Approved February 19, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XXIV.

An Act amendatory of an Act to amend section eleven of an Act entitled "An Act to protect the Wool Growing Interest of the State of Texas," approved March 25th, 1879, and of an Act amendatory thereof, approved March 9, 1881.

SECTION 1. "Be it enacted by the Legislature of the State of Texas: That Section 11 of an act of the Legislature of the State of Texas, entitled "An act to protect the wool growing interest of the State of Texas," approved March 25 A. D. 1879," shall be amended so as to read "as follows:

"SEC. 11. The following counties shall be exempted from the provisions of this act: viz.: Anderson, Angelina, Bowie, Cass, Chambers, Cherokee, Collin, Dallas, Delta, Denton, Ellis, Fannin, Fayette, Fort Bend, Franklin, Freestone, Grimes, Gregg, Hardin, Hill, Harris, Harrison, Hunt, Henderson, Hopkins, Houston, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Liberty, Leon, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, Rusk, Sabine, San Augustine, San Jacinto, Smith, Shelby, Titus, Trinity, Tyler, Van Zandt, Wood, Walker, Waller, Colorado and Upshur."

SEC. 2. Whereas there are large flocks of sheep, many of which are diseased with scab, now being held in counties heretofore exempted from the provisions of said act, and which are not so exempted in this amendment, whereby the interest of the wool growers of such counties is greatly impaired, there is therefore an imperative public necessity for the immediate passage of this act, and that it take effect from and after its passage.

Passed February 1, 1883.

Takes effect after its passage.

The foregoing act was presented to the Governor of Texas for his approval on the first day of February, 1883, and was not signed by him, nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

JOS. W. BAINES, Secretary of State.

## CHAPTER XXV.

An Act to repeal an Act entitled "An Act granting to persons who have been Permanently Disabled by Wounds received while in the service of this State or of the Confederate States, a Land Certificate for 1280 Acres of Land.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That an act entitled "An act granting to persons who have been permanently disabled by wounds received while in the service of this State or of the Confederate States, a land certificate for 1280 acres of land," approved April 9th, 1881, be and the same is hereby repealed.

SEC. 2. The fact that the vacant public domain is exhausted, creates an emergency which requires that this act take effect and be in force from and after its passage, and it is so enacted.

Passed February 2, 1883.

Takes effect after its passage.

The foregoing act was presented to the Governor of Texas for his approval on second of February, 1883, and was not signed by him, nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

JOS. W. BAINES, Secretary of State.

## CHAPTER XXVI.

An Act to restore the Jurisdiction of the County Courts of the Counties of Parker, Uvalde, Red River and Starr, and to restore Criminal Jurisdiction to the County Court of Henderson County, and to repeal all laws in conflict therewith.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That all the civil and criminal jurisdiction which the county court of Parker, Starr and Uvalde counties had, and that all the criminal jurisdiction which the county court of Henderson county had, under the Constitution and laws of the State of Texas prior to the twenty-fifth day of February 1881, be and the same is hereby fully restored, and that so much of the act approved February 25th 1881, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Uvalde, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmit, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justices' courts of said counties to such change," as relates to Parker, Uvalde, and Starr counties, and as relates to the criminal jurisdiction of the county court of Henderson county be and the same is hereby repealed.

SEC. 2. That all the civil and criminal jurisdiction which the county court of Red River county had under the Constitution and laws of Texas prior to the 8th day of July 1879, be and the same is hereby fully restored, and that so much of the act entitled "An Act to diminish the civil and criminal jurisdiction of the county courts of Erath, Comanche, Eastland, Red River, Palo Pinto, Stephens, Throckmorton, Taylor, Callahan, Panola, Cass, and Bowie counties, and conform the jurisdiction of the district courts of said counties to such change," approved July 8th, 1879, as relates to Red River county, be and the same is hereby repealed.

SEC. 3. That all causes now pending in the district courts of the counties of Parker, Uvalde, Red River and Starr, and all criminal causes now pending in the district court of Henderson county, over which the county courts of said counties have exclusive jurisdiction under the provisions of this act, and the laws giving jurisdiction to county courts, shall be transferred to the county courts of said counties.

SEC. 4. That the clerks of the district courts of the said counties of Parker, Uvalde, Red River, Starr and Henderson, shall within thirty days from the date that this act takes effect, transfer to the clerks of the county courts of said counties all the original papers in causes transferred under this act, together with a certified transcript of all the entries made on the docket of the district court in such causes, and a certified bill of all costs accrued in such causes, and for making out such transcript of the docket, the clerks of the district court shall be allowed such fees as

are now allowed for making out transcripts in cases of appeal, such fees to be taxed as costs in such suits.

Passed February 3, 1883.

Takes effect ninety days after adjournment.

The foregoing act was presented to the Governor of Texas for his approval on the third day of February, 1883, and was not signed by him, nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

JOS. W. BAINES, Secretary of State.

## CHAPTER XXVII.

An Act to provide for the payment of certain debts of the State, out of that half of the proceeds of the sale of the Public Lands, not belonging to the Common School Fund.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That one-half of the proceeds of the sale of public lands is declared to constitute a part of the common school fund and not subject to appropriations herein made. ✓

SEC. 2. The bonds for the sum of one hundred and thirty-four thousand four hundred and seventy-two dollars and twenty-six cents, dated the first day of January 1867, due twelve years after date and bearing interest at the rate of five per cent per annum from date, executed by the State to the University fund, under the Act of November 12th 1866, and also the certificate of indebtedness for the amount of ten thousand three hundred dollars and forty-one cents, issued by W. L. Robards, Comptroller of Public Accounts on the eighth day of June 1865, are declared to be valid debts due from the State to the University of Texas, and the sum of two hundred and fifty-six thousand two hundred and seventy-two dollars and fifty-seven cents (\$256,272.57) of that half of the proceeds of the sale of public lands not belonging to the common school fund, shall be transferred to the University fund in payment of said certificate and bonds and the accrued interest on said bonds to the first day of August 1883, forty-five thousand one hundred and four dollars and twenty-two cents of which belongs to the available University fund, after which said certificate and bonds shall be fully discharged.

SEC. 3. The bonds for the sum of eighty-two thousand one hundred and sixty-eight dollars and eighty-two cents dated the first day of January 1867, due twelve years after date, bearing interest at the rate of five per cent per annum from date, executed by the State to the common school fund under the Act of November 12th 1866, are declared to be valid debts from the State to the common school fund; and the sum of one hundred and fifty thousand, two hundred and ninety-two dollars and forty-six cents (\$150,292.46), out of that half of the proceeds of the sale of public land not already belonging to the common school fund shall be transferred to the common school fund in payment of said bonds and the accrued interest thereon up to August 1st 1883, after which said bonds shall be fully discharged.

SEC. 4 The bonds for the sum of three hundred and twenty thousand three hundred and sixty-seven dollars and thirteen cents, dated the thirteenth day of May 1865 bearing interest at the rate of six per cent

per annum from date and executed by the State to the common school fund under the Act of November 15th 1864 are declared to be valid debts from the State to the common school fund and the sum of four hundred and thirty-one thousand seven hundred and eighty-one dollars and fifty-eight cents (\$431,781.58) out of said half of the proceeds of sales of public lands, shall be transferred to the common school fund in full satisfaction of said bonds: the above sum being the amount of the principal and the interest of said bonds, up to August 1st 1883, less the interest and sinking fund paid by the Houston and Texas Central Railway Company, the Buffalo Bayou, Brazos and Colorado Railway Company and the Washington County Railway Company under protest on the amounts paid by them during the civil war, in State Treasury warrants on their respective bonds to the special school fund given under the Act of August 13th, 1856, provided, only the principal of the amount due the common school fund as shown by Sections 3 and 4 of this Act, shall be the permanent common school fund and the interest thereon shall be the available school fund.

SEC. 5. By the payment of said bonds as aforesaid the State does not recognize the validity of said attempted payments in said Treasury warrants: and the interest and sinking fund hereafter collected on the amounts so attempted to be discharged in said warrants shall constitute a part of the general revenue of the State, and the State shall save the public school fund harmless from the assumed right of said railway companies, or their successors, to apply the interest and sinking fund heretofore or hereafter paid in treasury warrants to the principal or the interest of the bonds due from them to the school fund.

SEC. 6. The importance of this bill and the amount of business now before the Legislature creates an emergency for the suspension of the constitutional rule requiring bills to be read on three several days and the same is hereby suspended.

Approved February 23, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XXVIII.

An Act amend Title 11, Chapter 3 of an act entitled "An Act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 21st, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Title 11, Chapter 3 of an act entitled "An Act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 21, 1879, be amended by adding an additional article, to be numbered Article 257a, to-wit:

ARTICLE 257a. The district or county attorney shall be entitled to ten per cent commissions on the first thousand dollars collected by him in any one case for the State or county from any individual or company: and five per cent on all sums over one thousand dollars, to be retained out of the money when collected, and he shall also be entitled to retain the same commissions on all collections made for the State or for any county: Provided that ten per cent shall be allowed on all such sums heretofore collected since the adoption of the Revised Statutes. This

section shall also apply to money realized for the State under the escheat law.

Approved February 27, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XXIX.

An Act to amend Article 180, Chapter 1, Title 7, of the Penal Code of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 180, Chapter 1, Title 7, of the Penal Code, be and it is hereby amended so that it shall hereafter read as follows.

ARTICLE 180. Any person who by loud or vociferous talking or swearing, or by any other noise, or in any other manner wilfully disturbs any congregation or part of a congregation assembled for religious worship and conducting themselves in a lawful manner or who wilfully disturbs in any manner any congregation assembled for the purpose of conducting or participating in a Sunday school, or to transact any business relating to or in the interest of religious worship, or a Sunday school and conducting themselves in a lawful manner, shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and may be imprisoned in the county jail not exceeding thirty days, at the discretion of the jury.

Approved February 28, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XXX.

An Act amendatory of Title 83 and of the supplement thereto, of the Revised Civil Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Title 83 and the supplement thereto of the Revised Civil Statutes shall be so amended as hereafter to read as follows.

Article 4090. The Governor is empowered to issue his proclamation declaring quarantine on the coast, or elsewhere within this State, whenever in his judgment quarantine may become necessary, and such quarantine may continue for such length of time as the health of the State may require: Provided, Houston, in Harris county, shall be considered a coast town within the meaning of this act.

ARTICLE 4090a. It shall be the duty of the Governor of the State of Texas, and he is hereby authorized and empowered to select and appoint, by and with the advice and consent of the Senate, from the most skillful regular physicians of the State of Texas, one physician who shall be known as Health Officer of the State, and shall from previous and active practice be familiar with yellow fever and pledged to the importance of both quarantine and sanitation.

ARTICLE 4090b. Such Health Officer shall during the time he is actively engaged in public duty, receive for his services ten dollars per day and all necessary traveling expenses, a bill of which must be made out in

detail, then approved by the Governor, on which approved account the Comptroller shall issue his warrant on the Treasurer, for the amount of such approved account.

ARTICLE 4090c. When the Governor is informed, or has reason to believe that the State of Texas is threatened at any point on the coast, or elsewhere within this State, with the introduction of yellow fever, or any other infectious or contagious disease, he shall immediately order such Health Officer to the point or points so threatened, with instructions to carefully examine into such information or alarm, and if satisfied that the report or information is true, and that there is danger to the State at such place or places, from the introduction of any of such diseases, the Governor shall immediately declare quarantine at such place or places, against the locality where any of such diseases point or are said to exist, or until such time as the same can be examined into or determined, having power to order State, county or municipal authorities to aid him in establishing and maintaining the same; Provided, that the Health Officer of the State, may in cases of emergency, when from any cause the Governor cannot act, have power and authority to establish, maintain and enforce a temporary quarantine anywhere within this State, whenever in his judgment such emergency exists; the facts in reference to which temporary quarantine shall be immediately reported to the Governor, who shall take such action, and issue such proclamations as he may deem proper, either continuing or discontinuing the same.

ARTICLE 4090d. The laws in regard to State quarantine shall remain and be in full force and operation on the coast or elsewhere in the State, as the Governor or Health Officer may direct, and be enforced as heretofore, with such additional changes as the provisions of this act prescribe, and with such additional changes in station and general management as the Governor may think proper.

ARTICLE 4090e. The law in regard to local quarantine by the inhabitants of any point or points on the coast, or elsewhere in this State shall remain in full force: Provided that in all differences and disputes between any such points contiguous or remote within this State, such differences and disputes shall be immediately by the local health authorities, if any, and if none, by the inhabitants themselves, reported and submitted to the Governor and on the receipt of such report he shall forthwith order the State Health Officer to such points with instructions to investigate the same and report, the exact condition of things, and upon investigation of such report, shall issue his proclamation declaring the determination of the issue and by said proclamation the aforesaid differences shall be governed and determined.

ARTICLE 4090f. Said Health Officer shall give a bond with two good and sufficient sureties in the sum of ten thousand dollars, made payable to the Governor, to be approved by him, and conditioned for the honest and impartial performance of his duties, and such Health Officer shall hold his position for the term of two years, subject however, to removal at any time by the Governor whenever in his judgment the public good demands such removal.

ARTICLE 4090g. Whenever quarantine is declared by the Governor, or by any county or corporate authorities in this State, it shall be the duty of such authorities to establish a quarantine station or stations where any person may be detained for such length of time as, in the discretion of the quarantine officers, the public safety may demand: Provided that all county and municipal quarantine shall be subordinate,



subject to and regulated by such rules and regulations as may be prescribed by the Governor or State Health Officer.

ARTICLE 4090k. It shall be the duty of the Health Officer of this State, county or city authorities as the case may be, to furnish persons detained by them at quarantine stations with necessary clothing, subsistence and shelter, not including crews of vessels except such as are removed by the quarantine officers from such vessels, and all accounts for necessary clothing, subsistence and shelter and all contracts for the construction of quarantine stations and wharves, and hire or purchase of boats or vessels, shall be approved and accepted by the State Health Officer and the Governor, and received by them after completion, if in accordance with contract specifications, and all accounts for the same and for all other expenses shall be approved by the Governor and when so approved, the Comptroller shall draw his warrant upon the Treasurer in favor of the same for the amount specified.

ARTICLE 4090i. All the costs and expenses of enforcing and maintaining the general quarantine or such as are ordered by the Governor or State Health officer, shall be paid out of the fund appropriated for quarantine purposes. All quarantine officers appointed by the Governor shall be selected and commissioned by the Governor of the State and shall be paid by the State, and all health authorities of the State, or of any county or city thereof shall obey the rules and regulations prescribed by the Governor or State Health Officer. The regular officer in charge of regular established quarantine stations on the coast shall be allowed ten dollars per day while on duty; temporary officers, or those commissioned by the Governor to guard against threatened epidemics, or those temporarily assigned to duty by the Health Officer of the State, under the provisions of Article 4090c of this title shall be allowed and paid five dollars per day and such other pay for extra expenses actually incurred as may be deemed just by the Governor and State Health Officer. All quarantine officers, whether of towns, cities, counties or State, shall be authorized to administer oaths to any person or persons suspected of violating any quarantine regulations; and any person or persons swearing falsely shall be punished according to the provisions of the Penal Code.

ARTICLE 4091. It is hereby made the duty of any county, town or city authority upon the coast or elsewhere in Texas, at as early a day as practicable, after the promulgation of the Governor's proclamation declaring quarantine, to provide suitable stations, where they are not now provided at sufficient distance from the usual places of landing of vessels or the depots of railroads coming into their respective counties, towns, or cities, and to select, appoint and employ a competent physician as health officer, subject to the approval of the Governor, at such stations, and to furnish said officer with such guards, employees and other things as may be necessary to render such quarantine effective: and said county, town or city authorities may provide for the establishment and maintenance of quarantine, subordinate, subjected to and regulated by such rules and regulations as the Governor and State Health Officer may prescribe.

ARTICLE 4092. Whenever on the coast of Texas or elsewhere in this State the authorities of any county, town or city fail, refuse or neglect to establish quarantine as provided for in the preceding article, then and in that event, the Governor shall have the power, and it shall be his duty to appoint a health officer and to prescribe such regulations for the government of the same as he may deem necessary.

ARTICLE 4093. It shall be the duty of all health officers and all quarantine authorities to stop each and every vessel from any infected port or district, notwithstanding the said vessel may have a clean bill of health, if deemed necessary (and such health officers or quarantine authorities shall have power so to do) to take the affidavit of the master of said vessel as to the health of himself and crew from the time of sailing from said infected port or district; and such officers and authorities shall detain said vessel at quarantine for such length of time as may be prescribed by the Governor and State Health officer, in their rules and regulations governing quarantine; and all such officers and authorities may use force if necessary in order to discharge the duties imposed upon them by the provisions of this title and the rules and regulations of the Governor and State Health Officer.

ARTICLE 4094. Any vessel arriving at any of the quarantine stations of this State, designated by the proper authorities from any infected port or district without a clean bill of health from the proper officers, from said port or district shall be taken possession of by the Health Officer, or other quarantine authority at the station at which said vessel arrives, and be held by the same until all fines that may have been assessed against the master of said vessel for a violation of the quarantine laws, rules and regulations shall have been paid, or until said vessel shall have been replevied in accordance with law.

ARTICLE 4095. The payment of the fine which may be assessed against the master of such vessel shall not operate as a release or discharge of the vessel from quarantine, but the same rules shall apply as in case of other vessels placed in quarantine.

ARTICLE 4095a. It shall be the duty of all health officers and quarantine authorities to establish stations where they do not now exist, whereat railway trains or any other public or private conveyance coming from any infected port or district and entering within any county, town or city in this State may be stopped, the passengers examined and sworn in accordance with the provisions of this title, and such further action had and taken under such rules as may be prescribed by the Governor and State Health Officer.

ARTICLE 4097. It shall be the duty of the county, town or city authorities aforesaid, as soon as quarantine ceases to exist, to forward to the Comptroller of the State an itemized account of all receipts and expenditures made by them and when approved by the Governor and State Health Officer, said Comptroller shall draw his warrant upon the Treasurer for the payment of any balance that may be due said authorities or either of them, and pay into the treasury any excess of receipts over expenditures as a credit to the quarantine fund.

ARTICLE 4098. Nothing contained in this title shall be construed to prevent any town, city or county from establishing any quarantine which they may think necessary for the preservation of the health of the same; Provided that the rules and regulations of such quarantine be not inconsistent with the provisions of this title, and be consistent with and subordinate to said provisions and the rules and regulations prescribed by the Governor and State Health Officer.

*Supplement.*

SECTION 1. It is hereby made the duty of the several county commissioners' courts of the counties of this State when required so to do by the proclamation of the Governor, or when under the provisions of this title where there is no corporation or city within such county to

appoint competent health officers, which officers shall appoint guards and other employees and to prescribe their duties in accordance with the provisions of this title and the rules and regulations of the Governor and State Health Officer, and such county to pay the same for their services such price as may be deemed right, not exceeding the amount prescribed in Article 4090i.

SEC. 2. Whenever the Governor and State Health Officer under any of the provisions of this title establishes quarantine and shall appoint health officers, guards and employees thereabout, their compensation shall be what is right; not exceeding that fixed in Article 4090i of this title.

SEC. 3. That the Governor be and is hereby authorized and empowered to buy a steam tug for service upon the coast of this State, whenever in his judgment such tug becomes necessary for the better enforcement of the quarantine laws, rules or regulations. Said tug, when bought shall be placed in charge of the health officer at Galveston Texas, who shall have full control of the same, together with all quarantine stores, supplies and apparatus and responsible for the preservation of the same at all times, except when by order of the Governor or State Health Officer said tug is upon service elsewhere upon the coast; Provided the said steam tug shall be new, made to order upon plans and specifications approved by the Governor and State Health Officer and suited to its proposed use for quarantine purposes, and constructed with necessary appliances for disinfection fumigation and purification of vessels and cargoes; and provided further that the entire cost of said steam tug, engines, boilers, tackle and furniture, apparel and quarantine appliances shall not exceed fifteen thousand dollars.

SEC. 4. The quarantine or health officer at Galveston, Texas shall give bond with two or more good and sufficient sureties payable to the Governor in the sum of ten thousand dollars, conditioned for the care and preservation of said steam tug, and for the faithful performance of his duty.

SEC. 5 It is hereby made the duty of the Governor and State Health Officer, upon completion of the disinfecting warehouse at Galveston, Texas to prescribe such rules and regulations as may be necessary for the disinfection, or fumigation, or both, of all vessels and their cargoes and passengers arriving at Galveston from any infected port or district. The object of such rules and regulations being, to provide safety for the public health of the State, without unnecessary or arbitrary restrictions upon commerce and travel.

SEC. 6. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 7 There being no law upon the subject of quarantine, adequate to the protection of public health, and the near approach of the season of the year when quarantine will have to be declared, a public necessity and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act take effect and be in force from and after its passage and it is so enacted.

Approved February 28, 1883.

Takes effect after passage.

## CHAPTER XXXI.

An Act to provide for the payment of fees to county judges and justices of the peace, sheriffs, constables, district and county attorneys and district clerks for services rendered in certain felony cases.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That county judges, justices of the peace, sheriffs, constables, district and county attorneys and district clerks shall be allowed the following fees.

SEC. 2. In all cases where county judges and justices of the peace shall sit as examining courts in felony cases, they shall be entitled to the same fees allowed by law for similar services in misdemeanor cases to justices of the peace, and ten cents for each one hundred words for writing down testimony, to be paid by the State, not to exceed three dollars for all his services in any one case.

SEC. 3. Sheriffs and constables serving process and attending any examining court in the examination of any felony case shall be entitled to such fees as are fixed by law for similar services, in misdemeanor cases, to be paid by the State, not to exceed four dollars in any one case.

SEC. 4. District and county attorneys, for attending and prosecuting any felony case before an examining court, shall be entitled to a fee of five dollars to be paid by the State, for each case prosecuted by him before such court.

SEC. 5. The fees mentioned in sections 2, 3, and 4 of this act shall become due and payable only after the indictment of the defendant for the offense with which he was charged in the examining court, and upon an itemized account sworn to by the officers claiming such fees, and approved by the judge of the district court.

SEC. 6. Only one fee shall be allowed for an examining trial though more than one defendant is joined in the complaint, and when defendants are proceeded against separately, who could have been proceeded against jointly, but one fee shall be allowed in all the cases that could have been so joined, and the account of the officer and the approval of the judge must show that the provisions of this article are complied with.

SEC. 7. In habeas corpus proceedings in felony cases, the clerks of the district courts shall be paid by the State, upon the certificate of the judge, the following fees, not to exceed ten dollars in any one case: For taking down the evidence, ten cents for every one hundred words: for entering the judgment of the court, one dollar: for making out transcript in case of appeal, ten cents for every one hundred words.

Approved March 3, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XXXII.

An Act to amend Article 4411 of the Revised Civil Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 4411 of the Revised Civil Statutes be so amended, that it shall hereafter read as follows:

ARTICLE 4411. No person shall be compelled to work on any public road or roads, more than five days in each year.

Approved March 5, 1883.

Takes effect ninety days after adjournment.

### CHAPTER XXXIII.

An Act to reorganize the Twenty-fifth Judicial District of the State of Texas, and to provide the times for holding the district court therein.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Twenty-fifth Judicial District of the State of Texas shall be composed of the following counties: Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces.

SEC. 2. Be it further enacted: That the said district courts of said district shall be holden at the time hereinafter specified, to-wit: In the county of Cameron on the first Monday of September and February, and may continue in session four weeks: In the county of Hidalgo on the fourth Monday after the first Monday of September and February, and may continue in session one week: In the county of Starr on the fifth Monday after the first Monday of September and February, and may continue in session two weeks: In the county of Webb on the seventh Monday after the first Mondays of September and February, and may continue in session five weeks: In the county of Duval on the twelfth Monday after the first Mondays of September and February, and may continue in session two weeks: In the county of Nueces on the fourteenth Monday after the first Mondays in September and February, and may continue in session until the business is disposed of, not to exceed six weeks.

SEC. 3. Be it further enacted: That the counties of Zapata and Encinal be and they are hereby attached to the county of Webb for judicial purposes.

SEC. 4. Be it further enacted: That all writs and process, civil and criminal heretofore issued by or from the district courts in the several counties of said district, and made returnable to the former terms of said courts, as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts, in each county, as they are prescribed in this act,—and all such writs or process that may be issued by or from said courts, at any time within five days next before the holding of the next ensuing terms of said courts, as prescribed herein are hereby made returnable to said terms respectively, and all such writs and process hereinbefore mentioned, are hereby legalized and validated to all intents and purposes, as if the same had been made returnable to the term or terms of said courts, as the terms thereof are herein prescribed; Provided, that if any business should remain on the dockets of any county in said judicial district unfinished, the Judge of said district is hereby authorized and required, on application of a majority of the members of the bar of said county, to designate a time for holding a special term of said district court in any of said counties where such unfinished business may occur, by an order entered on the minutes of the district court of said county, said order to be published in a newspaper published in said judicial district for a period of thirty days before the

day for holding the said special term, stating the time and place where said court can be held; the expense of said publication to be paid by the county where such unfinished business is required to be transacted.

SEC. 5. Be it further enacted; That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

SEC. 6. Be it further enacted; That the crowded condition of the civil and criminal dockets in the county of Webb, resulting almost in a denial of trial to litigants, creates an imperative public necessity and emergency for the suspension of the constitutional rule which requires that all bills shall be read on three several days, and the said rule is accordingly suspended: and that this act take effect and be in force from and after the 9th (ninth) day of April A. D. 1883.

Approved March 5th 1883.

Takes effect after passage.

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## CHAPTER XXXIV.

An Act to amend Chapter 16 of an act to adopt and establish the Revised Penal Code of the State of Texas, by inserting therein Article 789a.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Revised Penal Code of the State of Texas be amended by inserting Article 789a, as follows:

ARTICLE 789a. If any person shall fraudulently receive or conceal any property which has been acquired by another in such manner as that the acquisition comes within the meaning of embezzlement, knowing the same to have been so acquired, he shall be punished in the same manner as the person embezzling the same, would be liable to be punished.

Approved March 16, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XXXV.

An Act to diminish the civil and criminal jurisdiction of the County Courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the County Courts of the Counties of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson, and Atascosa, shall have and exercise the general jurisdiction of probate courts; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non-compos mentis and common drunkards; grant letters testamentary; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the petition, settlement and distributions of estates of deceased persons, and to apprentice minors as prescribed by law; and to issue all writs necessary to the enforcement of its jurisdiction, and to punish contempts under such provisions as are, or may be provided by general law governing county courts throughout the State, and to have and to exercise

general jurisdiction over questions of eminent domain, as prescribed by law, but said county courts shall have no other jurisdiction civil or criminal.

SEC. 2. It shall be the duty of the county clerks of Matagorda, Camp, Houston, Mason, Kerr, San Patricio, Live Oak, Donley, Young, Comal, Wilson, and Atascosa counties, within twenty days after the passage of this act, to make a full and complete transcript of all orders, on their respective dockets in cases now pending in the county courts of said counties respectively, of which cases, by the terms of this act exclusive jurisdiction is given to the district courts, and to deliver said transcript together with the original papers, and a certified bill of costs in each case, to the clerks of the district courts in their respective counties, and said district clerks shall enter said cases on their respective dockets for trial by said district courts, and all process now issued and returnable to the county courts of said counties respectively of which the district courts of said counties has been given jurisdiction by this act, shall be returnable to the district court of said county by the officer executing the same, and all cases transferred by this act shall stand as appearance cases in said district courts, and shall be tried by said district courts as other cases. And the district court shall have and exercise all the civil and criminal jurisdiction heretofore vested in said county courts by the Constitution and laws, and not divested by this act.

SEC. 3. That all laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 4. That in order to save much unnecessary expense to the citizens of Matagorda, Camp, Houston, Mason, Kerr, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa, an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days should be suspended, and it is so suspended, and the same shall take effect and be in force from and after its passage.

Approved March 16, 1883.

Takes effect after passage.

## CHAPTER XXXVI.

An Act to amend an act entitled "An Act to amend an act to create a Commission of Arbitration and Award and define the powers and duties thereof and to make appropriation to pay the salaries of the Judges thereof, approved Feby 9th, 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas. That an act to amend an act entitled An Act to create a commission of arbitration and award and to define the powers and duties thereof and to make appropriation to pay the salaries of the judges thereof approved Feby 9th 1881, shall hereafter read as follows.

SECTION 1. A Commission of arbitration and award, to consist of three persons learned in the law to be appointed by the Governor by and with the advice and consent of the Senate if in session, or without such advice and consent, if not in session, who shall hold their offices for two years from Oct. 1st 1883, and receive for their services the same salaries as judges of the Supreme Court of the State of Texas, be and the same is hereby created to be styled the Commission of Appeals of the State of Texas. In case of a vacancy on said commission by death or resignation of any member thereof during the vacation of the Legislature, it shall be the

duty of the Governor to fill the same by appointment and the person so appointed shall continue in office until the next session of the Legislature after the appointment.

SEC. 2. That in addition to the powers and duties now conferred by said act the Supreme Court and Court of Appeals of this State are hereby authorized and empowered to refer to the Commissioners of Appeals of the State of Texas, any civil case or cases now or hereafter pending before said Courts for examination and report thereon: And it shall be the duty of said Supreme Court and Court of Appeals in order to relieve the dockets of said Courts of the great number of cases now encumbering them from time to time to refer to said Commissioners of Appeals, so many of said cases now or hereafter pending in said courts as may be reasonably considered and acted upon by the same, at the several sessions thereof, having respect in such reference to the length of time such cases may have been pending as well as to promote an early disposition of the cases on the docket.

SEC. 3. When said commissioners of appeals have considered and determined upon the proper disposition of any case referred to the same according to section 2 of this act; their opinion shall be submitted together with a brief synopsis of the case, to the court from which the case was referred, and the record shall be returned therewith. The reports so made may be used by the respective courts to facilitate them in reaching a conclusion upon the law and the facts of the case.

SEC. 4. The opinions of said commissioners of appeals in cases referred to them by the supreme court, when adopted by said court, shall be published as the opinions thereof as in other cases.

SEC. 5. That in cases referred to the commissioners of appeals under this act the papers thereof shall not be refiled in said commission and only such additional costs as may be essential to carry into effect the provisions hereof shall be incurred by the parties to such cases by reason of the reference thereof.

SEC. 6. That section one of this act which provides for a continuance of the Commission of Appeals for two years from October 1st 1883 shall not take effect until October 1st 1883 and it shall become inoperative at said time in case an amendment to the judiciary article of the Constitution of the State shall before then be submitted by the Legislature to the electors of the State and adopted by the people providing for an increase of the judges of the Supreme Court.

SEC. 7. The accumulation of business on the dockets of the Supreme Court and Court of Appeals is so great as to improperly retard the administration of justice, and this with the fact that the great number of bills awaiting consideration by the Legislature, may jeopardize, for want of time, the passage of this act, creates an imperative public emergency for the immediate passage of this act and that the rule requiring bills to be read on three several days be suspended as a public necessity requires this act to take effect and be in force from and after its passage and it is so enacted.

Approved March 20, 1883.

Takes effect after its passage.



## CHAPTER XXXVII.

An Act to amend Art. 838, Revised Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 838, Revised Statutes of the State of Texas, be and the same is hereby amended to read as follows:

## LEE COUNTY.

ARTICLE 838. Beginning in Washington County at the north corner of the most northwestern De Witt survey; thence in a direct line to the junction of Alligator and Turkey creeks; thence down Turkey creek to its junction with Cedar creek; thence down Cedar creek to its confluence with the Yeuga; thence up the Yeuga to the mouth of East Yeuga; thence up East Yeuga to the point where said stream is crossed by the Milam and Burleson County line; thence with said line to where it intersects the northeast boundary of the Richard Ross survey; thence in a direct line to the southeast corner of Williamson county; thence with the southeast line of Williamson county, south 71 degrees west to a point in the northeast line of the Isaac Cosner league on the line of Bastrop county; thence with the Bastrop county line to a point in said line nearest the east corner of the Elias Marshall survey; thence in a direct line to the southwest corner of the David G. Green survey in Fayette county; thence in a direct line to the west corner of the A. J. Thompson survey; thence with the northwest boundary line of the same, and with the northwest boundary line of the Wood Taylor and the most northwestern DeWitt survey, to the place of beginning.

SEC. 2. The near approach of the close of this session, and the best interests of said county, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days, be suspended and this act take effect from and after its passage, and it is so enacted.

Approved March 20, 1883.

Takes effect after its passage.

## CHAPTER XXXVIII.

An Act to amend Chapter 2, Title 8 of the Penal Code by adding thereto Article 198a.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That chapter 2, title 8 of the Penal Code of this State be amended by adding thereto another article to be styled 198a which shall read as follows:

ARTICLE 198a. Any person suspected of violating any quarantine law or regulation, and who, upon being sworn by any one authorized to administer an oath by the provisions of any law of this State, shall knowingly swear falsely about any matter concerning which the quarantine laws and regulations permit examination, shall be deemed guilty of false swearing, and shall on conviction in a court of competent jurisdiction, be punished by imprisonment in the penitentiary not less than two nor more than five years.

SEC. 2. There being no provisions of the Penal Code providing adequate punishment for violations of the quarantine laws, rules or regula-

tions, therefore an imperative public necessity and an emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days and that this act should take effect from and after its passage and it is so enacted.

Approved March 21, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XXXIX.

An Act to amend Article 4232 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 4232 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature, be and the same is hereby so amended that it shall hereafter read as follows, to-wit:

"ARTICLE 4232. A bell of at least thirty pounds weight, or a steam-whistle, shall be placed on each locomotive engine, and the whistle shall be blown, or the bell rung, at the distance of at least eighty rods from the place where the railroad shall cross any public road or street, and that such bell shall be kept ringing until it shall have crossed such public road or stopped, and each locomotive engine approaching a place where two lines of railway cross each other, shall, before reaching such railroad crossing, be brought to a full stop; and any engineer having charge of such engine, and neglecting to comply with any of the provisions of this act, shall be fined in any sum not less than five nor more than one hundred dollars for such neglect, and the corporation operating such railroad shall be liable for all damages which shall be sustained by any person by reason of any such neglect."

SEC. 2. The near approach of the close of the session and the fact that there is no law in force to compel engineers in charge of trains, to comply with the necessary regulations in reference to railroad crossings, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and demanding that this act take effect and be in force from and after its passage; and it is accordingly so enacted.

Approved March 21, 1883.

Takes effect after its passage.

## CHAPTER XL.

An Act to validate certain surveys heretofore informally or defectively made, in locating the county school lands of this State.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the surveys of all county school lands heretofore made, either actually on the ground or by protraction, and returned into the General Land Office, according to law, and upon which patents have issued, are hereby declared valid surveys, and the title to the lands included within the lines of said surveys, as returned to the General Land Office, is hereby vested in the counties for which the same were made; and in all such sur-

veys the call for distance shall have precedence and control calls for rivers or natural objects, when the calls for distance will give the quantity of land intended to be included in the survey, and the calls for natural objects or rivers will not; provided, this act shall not divest any vested right.

SEC. 2. That whereas, great loss may occur from any delay in the final passage of this bill, creates an imperative public necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 21, 1883.

Takes effect after its passage.

## CHAPTER XLI.

An Act to reorganize the twelfth, sixteenth, seventeenth, twenty-ninth, thirty-fourth and thirty-fifth judicial districts, and to fix the times of holding the courts therein; to change times for holding the district courts in the seventh and fourteenth judicial districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide for a district attorney in the sixteenth judicial district.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That from and after the first day of July 1883, the counties of Stephens, Shackelford, Jones, Callahan, Taylor, Nolan, Mitchell, Howard, Runnels, Eastland and the unorganized Counties of Stonewall, Fisher, Scurry, Kent, Garza, Borden, Martin, Dawson, Lynn, Terry, Yoakum, Gaines and Andrews, be and the same are hereby constituted the twelfth Judicial District. That the district courts in the said district shall be held as follows: In the county of Stephens on the first Mondays in Feb. and Sept. and may continue in session two weeks; in the county of Shackelford on the third Mondays in Feb. and September, and may continue in session two weeks; in the county of Jones on the fourth Mondays after the first Monday in Feb. and September, and may continue in session one week; in the county of Howard on the fifth Monday after the first Mondays in Feb. and September, and may continue in session one week; in the county of Mitchell on the sixth Monday after the first Mondays in Feb. and September, and may continue in session three weeks; in the county of Nolan on the ninth Monday after the first Mondays in Feb. and Sept. and may continue in session two weeks; in the county of Taylor on the eleventh Monday after the first Monday in Feb. and Sept. and may continue in session two weeks; in the county of Runnels on the thirteenth Monday after the first Mondays in Feb. and Sept. and may continue in session one week; in the county of Callahan on the fourteenth Monday after the first Mondays in Feb. and Sept. and may continue in session two weeks; in the county of Eastland on the seventeenth Monday after the first Mondays in Feb. and Sept. and may continue in session until the business before it is disposed of; that the unorganized county of Stonewall shall be attached to the county of Jones; the county of Fisher to the county of Nolan; and the counties of Garza, Kent and Scurry to the county of Mitchell; the counties of Yoakum, Terry, Lynn, Borden, Dawson, Martin, Gaines and Andrews to the county of Howard for judicial purposes.

SEC. 2. The district courts in the fourteenth judicial district shall be

hereafter as follows: In the county of Falls, on the third Mondays in February and August and may continue in session five weeks; in the county of Bell on the fifth Mondays after the third Mondays in February and August and may continue in session seven weeks; in the county of McLennan on the twelfth Mondays after the third Mondays in February and August, and may continue in session eight weeks; provided, that this act shall not take effect as to Bell and Falls counties until the first day of April, 1883, and the next term of court for Bell county shall begin on the first Monday in April, 1883, and continue in session five weeks.

SEC. 3. That the district court in and for Kaufman county be begun and holden on the twentieth Mondays after the first Mondays in January and July in each year, and may continue in session five weeks.

SEC. 4. That the counties of Wheeler, Oldham, Donley, Collingsworth, Greer, Childress, Hall, Briscoe, Floyd, Parmer, Castro, Swisher, Armstrong, Randle, Deaf Smith, Potter, Carson, Gray, Hemphill, Roberts, Hutchinson, Moore, Hartley, Dallam, Sherman, Hansford, Ochiltree and Lipscomb, be and the same are hereby constituted the thirty-fifth judicial district, and the district court shall be held in the counties composing said district as follows: In the county of Oldham on the first Mondays in April and October, and may continue in session four weeks; in the county of Donley on the first Mondays in January and July, and may continue in session four weeks; in the county of Wheeler on the eighth Mondays after the first Mondays in April and October, and may continue in session four weeks; the counties of Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam, are hereby attached to the county of Oldham for judicial purposes; the counties of Carson, Randle, Armstrong, Swisher, Floyd, Briscoe, Hall and Childress are hereby attached to the county of Donley for judicial purposes; the counties of Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb are hereby attached to the county of Wheeler for judicial purposes.

SEC. 5. The twenty-ninth judicial district shall be composed of the counties of Parker and Tarrant, and from and after the first day of July 1883, the district court shall be held therein as follows: In the county of Parker on the first Mondays in February and August, and may continue in session six weeks; in the county of Tarrant, on the sixth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

SEC. 6. That the counties of Coleman, Burnet, Lampasas, Comanche and Brown, be and the same are hereby constituted the seventeenth judicial district: That district court shall be held in the seventeenth judicial district as follows: In the county of Comanche on the first Mondays in March and September, and may continue in session three weeks; in the county of Brown on the fourth Mondays in March and September, and may continue in session three weeks; in the county of Coleman on the third Mondays in April and October, and may continue in session two weeks; in the county of Burnet on the second Mondays in May and November, and may continue in session three weeks; and in the county of Lampasas on the third Mondays after the second Mondays in May and November and may continue in session until the business is disposed of.

SEC. 7. The seventh judicial district shall be composed of the counties of Smith, Henderson, Van Zandt, Wood, Upshur and Gregg. That from and after the fifteenth day of July A. D. 1883, the term of the district

court of the seventh judicial district shall be held annually at the following specified times: In the county of Henderson on the last Monday in February and the third Monday in August, and may continue in session three weeks; in the county of Van Zandt on the third Monday after the last Monday in February and third Monday in August, and may continue in session four weeks; in the county of Wood on the seventh Monday after the last Monday in February and third Monday in August and may continue in session four weeks; in the county of Upshur on the eleventh Monday after the last Monday in February and third Monday in August, and may continue in session two weeks; in the county of Gregg on the thirteenth Monday after the last Monday in February and the third Monday in August, and may continue in session three weeks; in the county of Smith on the sixteenth Monday after the last Monday in February and the third Monday in August, and may continue in session until the business is disposed of.

SEC. 8. The thirty-fourth judicial district shall be composed of the counties of Jack, Young, Archer, Clay, Wichita, Wilbarger, Baylor, Throckmorton, Haskell, Knox, Hardeman, King, Cottle, Dickens, Motley, Crosby, Lubbock, Hale, Hockley, Lamb, Bailey, and Cochran, and the district court shall be held therein as follows: In the county of Jack, on the second Mondays in January and July, and may continue in session three weeks; in the county of Clay on the third Mondays after the second Mondays in January and July, and may continue in session three weeks; in the county of Wichita, on the sixth Mondays after the second Mondays in January and July, and may continue in session two weeks; in the county of Wilbarger, on the eighth Mondays after the second Mondays in January and July, and may continue in session two weeks; in the county of Archer, on the tenth Mondays after the second Mondays in January and July, and may continue in session one week; in the county of Baylor, on the eleventh Mondays after the second Mondays in January and July, and may continue in session three weeks; in the county of Throckmorton, on the fourteenth Mondays after the second Mondays in January and July, and may continue in session one week; in the county of Young, on the fifteenth Mondays after the second Mondays in January and July, and may continue in session three weeks. The counties of Hardeman and Cottle are hereby attached for judicial purposes to the county of Wilbarger, the county of Haskell to the county of Throckmorton, and the counties of Knox, King, Dickens, Motley, Crosby, Lubbock, Hale, Hockley, Lamb, Bailey and Cochran to the county of Baylor.

SEC. 9. From and after July 15th 1883, the district courts in the counties of Sabine, San Augustine and Nacogdoches, in the third judicial district, shall be held as follows: In the county of Sabine on the last Mondays in January and August, and may continue in session two weeks; in the county of San Augustine on the second Mondays after the last Mondays in January and August and may continue in session two weeks; in the county of Nacogdoches, on the fourth Mondays after the last Mondays in January and August, and may continue in session four weeks. The courts in the other counties of said third district shall be held as provided by law.

SEC. 10. The sixteenth judicial district shall be composed of the counties of Williamson and Travis, and district courts shall be held therein as follows: In the county of Williamson, on the second Mondays in May and November and may continue in session six weeks; in

the county of Travis on the first Mondays in January and July, and may continue in session until the business disposed of.

SEC. 11. There shall be a district attorney for the sixteenth judicial district, who shall be appointed by the Governor, after this act takes effect as to said district, and shall hold his office until the next general election, at which time his successor shall be elected.

SEC. 12. This act shall take effect and be in force as to the sixteenth and seventeenth judicial districts, from and after the first Monday in August A. D. 1883.

SEC. 13. Be it further enacted: That all writs and process returnable to the district courts of the several counties mentioned in this act, shall be returnable to the first terms of said courts, respectively begun and held under the provisions of this act, except as in this act is otherwise provided, and shall be as valid as if no change had been made in the times of holding said courts.

SEC. 14. That all laws and parts of laws in conflict with this act, be and they are hereby repealed.

SEC. 15. The fact that the district courts of many counties in this State have more business than can be disposed of within the time now allowed them by law, and this act extends the time and affords the necessary relief, and that the session of the Legislature is drawing to a close, and this act cannot probably be reached in regular order in time to secure its passage, creates an emergency and imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended and it is suspended, and that this act take effect from and after its passage, except as in this act is otherwise provided, and it is so enacted.

Approved March 27, 1883.

Takes effect after its passage.

## CHAPTER XLII.

An Act to amend Article 951, Title 24, of the Revised Statutes of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 951, Title 24, of the Revised Statutes, be so amended as to hereafter read as follows:

"ARTICLE 951. The Clerk of the District Court, Clerk of the County Court, and Justices of the Peace, shall each make a full and complete report under oath in writing, to the Commissioners Court at each regular term thereof, of all fines imposed and judgments rendered, and jury fees collected in their respective courts in favor of or for the use of the county, which reports shall be filed in the office of the clerk of the county court of the county for which the same are made."

SEC. 2. And that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 27, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XLIII.

An Act to authorize the Secretary of State to sell copies of the General and Special Laws of the State.

SECTION 1. Be it enacted by the Legislature of the State of Texas; That the Secretary of State be, and is hereby authorized to sell copies of the General and Special laws of the State of Texas, that have been or may hereafter be published, at a price not to exceed twenty-five per cent above cost of publishing; provided, that a sufficient number of all laws published be reserved from sale for the use of the State; and provided further, that any money realized in excess of the costs attending such sale, shall be placed to the account of the general revenue in the State treasury.

SEC. 2. The near approach of the end of the present session of the Legislature endangering the passage of this bill, creates an imperative necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and the pressing demand for these laws creates an emergency that this act should take effect from and after its passage, and it is so enacted.

Approved March 27, 1883.

Takes effect after its passage.

## CHAPTER XLIV.

An Act to provide for an organization of a board to direct, supervise and control the work of obtaining and presenting statements, accounts and abstracts showing the amount and character of the claims of the State of Texas against the government of the United States for moneys expended by said State in protecting her frontiers; to prepare proper vouchers, and to obtain and present necessary proof in support of said claim as required by an act of Congress entitled "An Act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas and Nevada, and the Territories of Washington and Idaho for moneys expended, and indebtedness assumed by said States and Territories, in repelling invasion, and suppressing Indian hostilities and for other purposes;" approved June 27th 1882: to provide means and to employ the necessary clerical force to enable said board to discharge its duties, and to make an appropriation to pay the expenses of the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Governor, Comptroller of Public Accounts and Adjutant General be and they are hereby constituted a board to arrange and present to the Secretary of the Treasury of the United States all statements, accounts and abstracts, or other necessary data as evidence of the claims of the State of Texas against the Government of the United States for moneys expended in defence of her frontiers, in accordance with an act of Congress authorizing the presentation of such claims, approved June 27th 1882.

SEC. 2. That said board shall have power to employ such clerical force as may be necessary, at prices to be fixed by the board; to send for persons and papers, and to administer oaths; to call on all State and county officers for official statements that may be required; to inspect and copy records, and to do all things necessary and requisite to enable them to arrange, state, and abstract such accounts and claims named in

the first section of this act, in the manner required by the Secretary of the Treasury of the United States under authority of said act of Congress; and to obtain and submit proof of the correctness and justice of said claims.

SEC. 3. That said board, if they deem it advisable and proper, may delegate any and all such authority as is herein granted to them, except the power of approving accounts for expenses incurred by virtue of this act to any person or persons they may employ or select to carry out any of the purposes of this act; provided, that this delegation of power to any person or persons so selected by the board, shall be in writing signed by the president of the board and attested by the Adjutant General with his official signature and seal of office.

SEC. 4. That said board are hereby empowered to expend any and all sums of money under the appropriation hereinafter made in this act, necessary in searching for, arranging and presenting statistics, accounts, vouchers, or other proof requisite to make out and sustain the said claims.

SEC. 5. That said board when they shall have prepared the abstracts and accounts of the said claim of Texas, shall file the same with the Secretary of the Treasury of the United States, accompanied with such vouchers or other evidence in support thereof as they may have obtained.

SEC. 6. The Comptroller shall draw his warrant upon the State Treasurer for such sums as may be required under the provisions of this act, upon the certificate of their correctness by the president of said board, attested by the Adjutant General, whether the same shall be for salaries to clerks or other help, or for ordinary or extraordinary expenses made necessary in carrying out the provisions of this act.

SEC. 7. That the Governor shall be president of the board herein provided for.

SEC. 8. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay for clerical or other labor and all necessary expenses of every character incurred in carrying out the provisions of this act.

SEC. 9. Whereas the present financial needs of the State of Texas require that she shall collect all moneys due her as soon as possible, and the time within which the duties to be performed under this act is limited and said duties and the work and labor to be performed, in order to properly present the claims and demands of the State of Texas to the Government of the United States are very great and arduous, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring all bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 28, 1883.

Takes effect after its passage.



## CHAPTER XLV.

An Act to amend Article 4724, Chapter 3, Title 95 of the Revised Statutes, to fix and equalize the compensation of assessors of taxes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 4724, chapter 3, title 95 shall hereafter read as follows.

ARTICLE 4724. Each assessor of taxes shall receive the following compensation for his services which shall be estimated upon the total values of the property assessed, as follows: For assessing the State and county tax, on all sums of two millions of dollars or less, five cents for each one hundred dollars of property assessed, and all sums over two millions and less than five millions of dollars, two and one half cents on each one hundred dollars, and all sums over five millions of dollars, two cents on each one hundred dollars. Two-thirds of the above fees shall be paid by the State, and one-third by the county, and for assessing the poll tax, five cents for each poll which shall be paid by the State.

SEC. 2. The near approach of the close of the session creates an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended.

Approved March 28, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XLVL

An Act to permit the State Fireman's Association to erect a monument in the Capitol grounds in the city of Austin.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the State Fireman's Association of Texas be and they are hereby permitted to erect a monument in the Capitol grounds in the city of Austin, at such a place therein as may be agreed upon between the Capitol Board and the proper authorities of said association.

SEC. 2. That said monument shall cost said association not less than five thousand dollars, and that the names of only those firemen who have lost their lives in discharge of their duty as firemen shall have their names engraved on said monument.

SEC. 3. Whereas the patriotic firemen of the State of Texas are anxious to begin at once the work upon a monument to their heroic dead, and whereas the days of this session of the Legislature are numbered, therefore an imperative public necessity and an emergency exist for the suspension of the rules and that this act take effect from and after its passage, and it is so enacted.

Approved March 28, 1883.

Takes effect after its passage.

## CHAPTER XLVII.

An Act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains, or sewers.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That whenever the city council of any incorporated city or town shall deem it necessary to take any private property in order to open, change or widen any public street, avenue or alley, or for the construction of water mains, or sewers within or without the limits of such city or town, such property may be taken for such purpose by making just compensation to the owner thereof. If the amount of such compensation cannot be agreed upon it shall be the duty of such city council to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof and his residence if known, and file such statement with the county judge of the county in which said property is situated.

SEC. 2. Upon the filing of such statement it shall be the duty of said judge in term time or vacation to appoint three disinterested free-holders and qualified voters of the county as special commissioners to assess the damages to accrue to the owner by reason of such proposed condemnation.

SEC. 3. The commissioners so appointed shall in their proceedings be governed and controlled by the laws in force in reference to the condemnation of the right of way for railroad companies and the assessment of the damages therefor, the city or town occupying the position of the railroad company and all laws in reference to applications for the condemnation of the right-of-way for railroad companies including the measure of damages, the right of appeal and the like shall apply to an application by a city or town under this act for the condemnation of property for the purpose of opening, changing, or widening streets, avenues or alleys, or for the construction of water mains or sewers, the city or town to occupy the position of the railroad company.

SEC. 4. Article 478 of the Revised Statutes be and the same is hereby repealed.

SEC. 5. The crowded condition of the business on hand and the near approach of the close of the session creates an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days and said rule is hereby suspended.

Approved March 28, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XLVIII.

An Act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers or volunteers and signers.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That to every surviving soldier or volunteer who served in the war between Texas and Mexico, in the army of Texas, at any time between the commencement of the Revolution at Gonzales in 1835, and the first day

of January 1837, and to every surviving signer of the Declaration of the Independence of Texas, and to every surviving widow of any such soldier or volunteer, or signer, who is and who has always been unmarried since the death of such soldier or volunteer, or signer, and so long as such widow may remain unmarried, there shall be and is hereby granted an annual pension of one hundred and fifty dollars as hereinafter provided; provided, however, that this act shall only apply to resident citizens of this State.

SEC. 2. Each applicant for a pension under this act shall make application in writing for the same to the county judge of the county of his or her residence, and such application shall state the name, age and residence of the applicant; whether or not the applicant received any pension or veteran donation land certificate under any previous law; a list of the real and personal property owned by the applicant, and the present value of the same; and what property, and the value thereof, that such applicant may have sold or conveyed within twelve months prior to the date of such application. And in addition to the foregoing, each male applicant shall further state the time he rendered such service, and the command he served in; and each female applicant shall further state the name of her deceased husband, the date of his death, that she is unmarried, and has so remained ever since the death of her husband, and shall further state, as accurately as she can, the time her said deceased husband rendered such service, and the command he served in. Should the applicant be a signer of such Declaration of Independence, or a widow of such signer, he or she shall state all that is hereinbefore required, except as to the military service, and in lieu of which, it shall state that the applicant was a signer of such Declaration of Independence, or is the widow of such signer, which application shall be subscribed and sworn to by the applicant, and the same shall be supported by the affidavits of at least two credible witnesses who reside in this State, and shall show that the facts stated by the applicant are true, and that the applicant is known and regarded in his or her neighborhood as a Texas veteran, or signer of the Declaration of Texas Independence, or the widow of a Texas veteran or signer of the Declaration of Texas Independence.

SEC. 3. Such application so signed by the applicant and two credible witnesses, shall be presented to the county judge, who shall hear evidence as to the property and the value of the same as stated in such application, and he shall then make his certificate under the seal of his office, attested by the clerk, stating his conclusions as to the value of the property owned by the applicant, and also the value of the property sold or conveyed by the applicant within twelve months previous to the date of his certificate; the county judge shall further state whether or not he believes the applicant's claim for a pension is a valid and just one, and that said person, veteran or widow, is in indigent circumstances, provided, that no applicant shall be deemed to be in indigent circumstances who owns property exceeding one thousand dollars in value. Upon the hearing of such application, the State shall be represented by the county attorney, or some other attorney appointed by the court, and it shall be the duty of the county or other attorney, to summon witnesses to testify in behalf of the State, and to secure such other testimony, oral or written, as may be necessary to protect the interests of the State.

SEC. 4. Such application so prepared and certified to, shall be filed with the Comptroller of Public Accounts, whose duty it shall be to satisfy himself that the applicant is entitled to the pension herein provided,

and he may require further and additional proof of the identity of the applicant, the service rendered, or of any other fact, by affidavit or record evidence, provided, no pension shall be granted any one under this act, whose claim has been rejected by the Veteran Board of this State as fraudulent.

SEC. 5. No person shall be entitled to a pension under this act unless it shall be made to appear to the Comptroller from the evidence as required in sections 2 and 3 of this act, that said person or veteran is in indigent circumstances, and is unable to provide a necessary support for himself or herself.

SEC. 6. The pension herein provided for shall begin on the first day of January 1883, and shall be paid quarterly in advance; that is to say thirty-seven dollars and fifty cents on the first day of January, April, July and October of each year, and the Comptroller shall draw his warrant for the same on the Treasurer, and upon presentation the Treasurer shall pay the same out of any moneys in the Treasury which may be appropriated for this purpose.

SEC. 7. On or after the first of each quarter the pensioner shall make his affidavit, stating the county of his residence, and that he is the identical person to whom a pension has been granted under this act, which affidavit shall be supported by the affidavit of some other credible person to the same fact, and which affidavit may be made before any one authorized to administer oaths, which affidavit shall be filed with the Comptroller, and upon the filing of the same the Comptroller shall draw his warrant for the quarter found to be due.

SEC. 8. The necessities of those herein provided for, creates such an emergency, that an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted.

Approved March 28, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XLIX.

An Act confirming patents and surveys by virtue of headright and bounty warrants issued under special laws enacted after March 21st 1870 and prior to April 17th 1876.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That all surveys and patents by virtue of headright or bounty warrants issued under special laws enacted after March the 31st 1870 and prior to April the 11th 1876 to which there is no valid legal objection other than that such special laws are supposed to be in conflict with the Constitution then in force, are hereby validated and confirmed and declared to be as binding upon the State as they otherwise would be if such special laws had been permitted by the Constitution; provided that, if such headright or bounty certificates have been forfeited under existing laws by location and survey on appropriated land, this act shall not be construed to revive the same: provided further, this act shall only apply to soldiers and heirs and actual settlers of Texas, and their vendees, to whom lands have been granted.

SEC. 2. The confusion and uncertainty respecting this class of titles creates an emergency that this act take effect and be in force from and after its passage and it is so enacted.

Approved March 31, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER L.

An Act to amend Article 1077 of Chapter 3 Title 15 of the Code of Criminal Procedure relating to fees paid for holding inquests.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 1077 of chapter 3, title 15 of the Code of Criminal Procedure be amended so as to hereafter read as follows:

ARTICLE 1077. A justice of the peace shall be entitled for issuing a summons for a jury and all other business connected with an inquest on a dead body including certifying and returning the proceeding to the proper court, the sum of five dollars, to be paid by the county; provided, that when an inquest is held over the dead body of a State penitentiary convict, the State shall pay the inquest fees allowed by law, of all officers, upon the approval of the account therefor by the county commissioners' court of the county in which the inquest may be held, and the superintendent of penitentiaries; and provided further, that no inquest shall be held on the dead body of a State penitentiary convict if said convict died from disease and was attended by a regular physician, and a certificate by said physician showing said facts, be filed in the office of the county judge of the county in which said convict died, and in the office of the Superintendent of Penitentiaries.

SEC. 2. The fact that this bill may not be reached in the regular order, creates a necessity for suspending the rule requiring this bill to be read on three several days and it is hereby suspended.

Approved March 31, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER LI.

An Act to amend Articles 1667 and 1693 of the Revised Statutes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 1667 of the Revised Statutes be so amended as to read as follows:

"ARTICLE 1667. At the first regular or called session of the commissioners' court in each county in each year, or as soon thereafter as practicable, said court shall select and appoint some suitable and competent person in each election precinct, to serve as presiding officer of elections in said precinct, and said appointment shall be noted upon the minutes of the court; provided, that the commissioners' court of any county may have the power when they deem advisable, to appoint two presiding officers for each election precinct, one of whom

"shall be the presiding officer at the ballot box used for the deposit of ballots cast for electors for President and Vice-President of the United States, and members of Congress of the United States, and the other presiding officer at the ballot box used for the deposit of ballots cast for State, district and county officers.

SEC. 2. That article 1693 of the Revised Statutes be so amended as to read as follows:

"ARTICLE 1693. In all elections by the people, the vote shall be by ballot, which ballot may be either written or printed, or written in part, or printed in part, which ballot shall be deposited in the ballot box as hereinafter provided; provided, however, that whenever the commissioners' court of any county shall have made an order appointing two presiding officers in each election precinct, as provided in article 1667, then one of said presiding officers shall be designated as the presiding officer to receive and count and return, as provided by law, the ballots for electors for President and Vice-President of the United States, and members of Congress of the United States, and the other of said presiding officers shall be designated as the officer to receive, count and return the ballots cast for State, district and county officers: each to be provided with a metallic or wooden box, to be used for said purpose: and all laws in force pertaining to the holding of elections and making returns thereof shall apply alike to the managers of the election at each of said ballot boxes.

SEC. 3. The near approach of the close of the present session of the Legislature, and the probability that this bill will not become a law, creates an imperative public necessity for dispensing with the constitutional rule requiring this bill to be read on three several days in each house of the Legislature; and it is so enacted.

Approved April 2, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LII.

An Act to create the land districts of Mitchell and Howard.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the counties of Mitchell, Scurry, Kent, Garza, Dickens, Crosby and Lubbock be and the same are hereby made and constituted the Mitchell Land District, and the county surveyor of Mitchell county shall be the surveyor of said district. He shall keep his office in the town of Colorado City, and the records of all files and surveys of land in said district shall be kept in said office.

SEC. 2. That the counties of Howard, Borden, Lynn, Hockley, Cockran, Terry, Yoakum, Dawson, Gaines, Andrews and Martin be and the same are hereby made and constituted the Howard Land District, and the county surveyor of Howard county shall be the surveyor of said district. He shall keep his office in the town of Big Springs, and the records of all files and surveys of land in said district shall be kept in said office.

SEC. 3. It shall be the duty of the Commissioner of the General Land Office immediately after the taking effect of this act to furnish each of the surveyors named in this act, with a certified copy of the maps and field notes of all surveys in their said districts, which shall be filed in

their said offices and shall be public archives thereof, and it shall not be lawful for said surveyors to make any surveys within their said districts until said certified maps and field notes are received by them.

SEC. 4. That all laws and parts of laws in conflict with this act, in so far, as the same may effect the land districts hereby created, be and the same are hereby repealed.

Approved April 2, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LIII.

An Act to authorize and require the County Commissioners' Courts of the several counties of this State to provide for the payment of all claims due teachers of public free schools audited as valid claims under acts of the Legislature of Texas approved August 7th 1876, or April 22nd A. D. 1879, and to audit and pay such claims as should have been presented to, and audited by the auditorial board provided by said acts.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the County Commissioners' Courts of the several counties in this State are hereby authorized and required in cases where any part of claims audited as valid under an act of the Legislature of Texas approved August 7th 1876, entitled "An Act to ascertain the amounts due teachers for services rendered in public schools from September 1st 1873 to January 1st 1876, and to provide for the payment of the same, or under the act approved April 22nd 1879 entitled "An Act to ascertain the amount due teachers for services rendered in public schools from September 1st 1873, to August 1st 1876, and to provide for the payment of the same" remains unpaid, to cause to be issued in favor of the holder of such claim, a warrant upon the county treasury against the school district owing such claim, for the amount due upon each claim.

SEC. 2. That where the auditorial boards provided under said acts of 1876 and 1879 failed to act in any county, or where from any other cause, a just claim was not presented to, and audited by such boards in any county then the holder of such claim may present the same to the Commissioners' Court of such county, who shall audit the same and issue a warrant therefor as is provided in section 1 of this act, and make provision for the payment thereof as indicated in section 3 of this act.

SEC. 3. That if there should not be money enough in the treasury of such county belonging to such school district to pay off the warrants provided for in sections 1 and 2 of this act then said Commissioners' Courts are hereby authorized and required to levy a special tax upon the taxable property within such district, to be collected as other taxes, sufficient to pay off said claims; provided that when in any county in which the boundaries of the several school districts were never defined nor the amount of such claims is found to be so small as not to justify the levying of a separate tax against such district, then the commissioners may in their discretion order such amount to be paid out of the general fund; provided further, that in counties in which school districts were never defined, the same shall be paid out of the general fund; and provided further, that where the tax to be levied on the district would be less than one tenth of one per cent on the one hundred dollars, then it shall be paid out of the general fund.

SEC. 4. That all claims such as are mentioned in sections 1 and 2 of this act, which are not presented to the several Commissioners' Courts within six months after this act goes into effect, shall be forever barred.

SEC. 5. The crowded condition of the business on hand, and the near approach of the close of the session creates an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved April 2, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LIV.

An Act for the protection of the wool growing interests of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That whenever it appears from the assessor's rolls, that there are as many as five hundred sheep owned and assessed for taxes in any county of this State, it shall be the duty of the commissioners' court of said county upon the application of one or more resident owners of sheep of said county, to appoint an inspector of sheep, who shall be a resident citizen of the county, and well versed in the scab and other diseases which usually affect sheep; and said inspector shall hold his office for two years, or until his successor is qualified. Said inspector may appoint one or more deputies who shall take the oath of office prescribed by the Constitution, and may lawfully perform the same acts as the inspector of sheep, who may require of his deputies bonds for the faithful performance of duty.

SEC. 2. Said inspector of sheep shall, within twenty days after receiving notice of said appointment, and before entering upon the duties of his office, execute a bond with two or more good and sufficient sureties, in a sum to be fixed by the commissioners' court, not less than one thousand, nor more than five thousand dollars, payable to the county judge and his successors in office, conditioned that he will faithfully and impartially discharge, and perform all the duties incumbent upon him as inspector of sheep. Said bond shall be approved by the commissioners' court, and recorded in the office of the county clerk of said county.

SEC. 3. It shall be the duty of the inspector of sheep, or his deputy, to carefully and minutely examine and inspect, at any time, sheep in his county, or which may be driven into or through his county, and which he has reason to believe, or is informed in writing by one or more sheep owners of the county, is affected with scab, or any other infectious or contagious disease.

SEC. 4. The inspector shall be entitled to receive the sum of two cents per head, unless otherwise provided in this act, for all sheep inspected under the provisions of this act, provided, the inspector shall be entitled to only one cent per head for any number he may inspect for any one person in excess of two thousand head; in no one case shall his fees exceed fifty dollars. Such fees to be paid by the owner or person in charge of the sheep inspected; provided, that when an inspector shall inspect any sheep and find no scab to exist in the flock of sheep so inspected, then the fees for such services shall be paid by the party at whose instance such services were performed; and provided further, that the inspector shall have a lien for his fee, upon all sheep inspected by him and found



to be diseased with scab; also provided, that if any owner or person in charge of sheep affected with scab, report in writing to the county inspector or his deputy, that his sheep are so affected, and that he proposes to take means forthwith to cure the same; it shall not be lawful for the inspector to inspect such flock, or receive any fees for the same within twenty days after said report, provided, the inspector in such cases shall prescribe limits for said flock. Provided, that if after the expiration of the twenty days aforesaid, the inspector has received no notice in writing as hereinafter provided, from the party in charge of said flock, that he has thoroughly dipped his flock to cure the same as proposed, then the inspector shall be entitled to receive from such parties in charge of such sheep, the same fee as though he had inspected said flock and found the same diseased; provided further, that no person shall be required to dip ewe sheep if pregnant with lamb, at any time within twenty days before or after lambing, but such person shall, nevertheless be required to hold such sheep within the portion of country prescribed by the county inspector for such sheep to be held in, during the time they are so affected with scab.

SEC. 5. Whenever any flock of sheep, in any county of this State, has been inspected and found to be afflicted with scab, it shall be the duty of the owner, or person in charge of such flock, to thoroughly dip the same within twenty days from such inspection, and report such fact in writing, to the inspector; and if no such report be made by the said owner, or person in charge of said flock, then it shall be the duty of the inspector to again inspect said flock, and may receive his fees as herebefore provided.

SEC. 6. It shall be the duty of the inspector, or his deputy, after the expiration of ninety days from date of notification in writing, that any flock that is diseased, as provided in section 4, or from date of inspection of any diseased flock, or at any time they have reason to suspect said flock is afflicted with scab, to again carefully and minutely examine and inspect such flock or flocks, and if scab is still found to exist in said sheep, then the owner or person in charge of such sheep shall be required to again dip such sheep, as is required in the preceding section of this act.

SEC. 7. Whenever by examination, inspection or otherwise, scab is found to exist in any flock of sheep in any county, the inspector shall at once notify the owner, or person in charge thereof, of said fact, and shall prescribe certain limits within which said flock shall be herded until cured, provided, no person shall be so limited as to prevent him from herding or keeping his sheep on his own lands, or lands lawfully controlled by him, if the tracts of said land be so contiguous to each other, that in herding or driving the sheep, that the same will not be upon any tract or tracts of land of some other person; also provided, that the liberty given any person to hold diseased sheep anywhere on lands lawfully controlled by him, shall not in any way be construed to exempt him from the provisions of sections 5 and 6 of this act.

SEC. 8. It shall be the duty of any owner or person in charge of sheep in which scab is found to exist, to immediately notify all persons in charge of sheep in vicinity of said flock. And until he shall have obtained a certificate from the inspector of his county, that his flock is cured, he shall not remove the same from the limits prescribed by said inspector.

SEC. 9. Any sheep being driven into or through any county in this

State, shall be accompanied by a certificate from some inspector to the effect, that such sheep are free from scab; it shall state the date of inspection, and shall not be older than sixty days, and any person through whose range such sheep are being driven, or about to be driven, shall have the right to see said certificate upon request, and upon refusal to produce the same upon request, the party so refusing shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, provided however, that said certificate shall not exempt said sheep from inspection at any time.

SEC. 10. For inspections made under the provisions of the preceding section, the inspector shall be entitled to receive the sum of one cent for each head of sheep covered by the certificate.

SEC. 11. Any sheep brought into Texas by rail, or other means of transportation, shall be disinfected by dipping or otherwise, before being removed from within a limit which shall be prescribed by the county inspector at point of disembarkation, if infected with scab.

SEC. 12. Any inspector of sheep, who shall fail to comply with any of the provisions of this act, or who shall wilfully and knowingly give a false certificate in any case where he is required to give a certificate or who shall wilfully, and with intent to harass, or put to expense any owner or person in charge of sheep notify said owner or person in charge that his flock is diseased, or who shall wilfully demand or receive any fee or compensation where none is allowed by law, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred nor more than two hundred dollars, and thereupon the office shall be deemed vacant, and the commissioners' court may appoint another inspector for such county.

SEC. 13. Any owner or person in charge of sheep, who shall wilfully and knowingly violate any of the provisions of this act, where the penalty is not otherwise provided by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred, nor more than two hundred dollars.

SEC. 14. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

SEC. 15. The present law upon the disease of scab being wholly insufficient for the protection of the wool growers of this State, and the necessity for a more efficient law upon the subject, creates an imperative public necessity and an emergency that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SEC. 16. The counties of Grayson, Freestone, Gonzales, Cooke, Bell, Coryell, Hamilton, Lampasas, Morris, Titus, Cass, Marion and Bowie, are hereby exempted from the operation of this law.

Approved April 4, 1883.

Takes effect after passage.

## CHAPTER LV.

Act to reserve and set apart three hundred and twenty-five leagues of land heretofore surveyed, for the benefit of the unorganized counties of the State and such organized counties as may have located their four leagues of school land, or any part thereof in conflict with valid prior locations or surveys, or which may from any cause fail to get title to the four leagues of land they are entitled to under the law.

Whereas, the commissioner and the contractor under an act entitled "An Act to provide for designating and setting apart three hundred leagues of land out of the unappropriated public domain for the benefit of the unorganized counties, and to provide for the survey and location of the same," approved March 26th 1881 have surveyed three hundred and twenty-five leagues. And whereas, some of the four leagues of land surveyed for some of the organized counties of this State, have been located in conflict with other older surveys; and whereas, other instances of this kind may arise, therefore,

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the three hundred and twenty-five leagues of land heretofore surveyed under the provisions of an act entitled, "An Act to provide for designating and setting apart three hundred leagues of land out of the unappropriated public domain, for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same, approved March 16th A. D. 1882, be and the same is hereby set apart and shall constitute a reservation out of which each of the unorganized counties of this State, as it may be organized, shall be entitled to receive four leagues of land for free school purposes, and out of which such organized counties of this State, as may have located their certificate for four leagues of school land in conflict with or upon land already appropriated by valid prior location and survey, or which from any cause have failed to get title to their four leagues of school land, shall be entitled to receive so much of said land as may be necessary to secure to any such county the number of acres it may be entitled to from any cause, or that may be declared to be in conflict by the Commissioner of the General Land Office.

SEC. 2. Each of said leagues of land shall be numbered by the Commissioner of the General Land Office, in the order in which it was surveyed, by the contractor or contractors, beginning at number one and extending to three hundred and twenty-five, and as each of the unorganized counties in this State shall be organized, such county shall be entitled to the first four leagues out of the reservation authorized by this act, which shall not have been patented to other counties for free school purposes. Upon the payment to the Treasurer of the State the actual costs of surveying fees and legal interest thereon from time of payment by the State and upon the payment of such costs and interest, the Commissioner of the General Land Office is hereby required to issue patents to said county for four leagues of land as above provided, but said counties shall not be required to pay patent fees for said patents.

SEC. 3. Any organized county in this State, shall in like manner as provided in the preceding section of this act, be entitled to receive so much of said land, not exceeding four leagues, as shall be necessary to secure to any such county, the number of acres of land heretofore located by such county, and which shall be declared to be in conflict with prior loca-

tions, and surveys by the Commissioner of the General Land Office or by the decree or judgment of any court having jurisdiction of the subject matter. And it shall be the duty of the Commissioner of the General Land Office, upon the written application of the county judge and any two of the county commissioners, accompanied by the decision of the Commissioner of the Land Office, or a certified copy of such decree or judgment, to issue patents to such county upon the same conditions and in like manner, as is provided for unorganized counties. Provided, if any such county should be entitled to receive a quantity less than one league, such land shall be surveyed at the expense of such county, in a square figure with at least two lines thereof (where more than one line is run) commencing on lines of original survey as may be selected by the county judge of the county that is entitled to the survey.

SEC. 4. The sum of two hundred dollars or so much thereof as may be necessary, is hereby appropriated to pay the contractor at the contract price, for surveying said additional twenty-five leagues.

SEC. 5. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved April 7, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LVI.

An Act to amend Sections three (3), six (6), and ten (10) of an act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder, approved March 24th, A. D. 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That section three (3) of an act of the Legislature of the State of Texas, entitled "An Act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder," approved March 24th A. D. 1879, be and the same is hereby amended so that it shall hereafter read as follows, to-wit:

"SECTION 3. Any debtor desiring so to do, may make an assignment for the benefit of such of his creditors only as will consent to accept their proportional share of his estate, and discharge him from their respective claims, and in such case the benefits of the assignment shall be limited and restricted to the creditors consenting thereto, and such debtor shall thereupon be and stand discharged from all further liabilities to such consenting creditors on account of their respective claims, and when paid they shall execute and deliver to the assignee for the debtor a release therefrom; provided, that such debtor shall not be discharged from liabilities to a creditor who does not receive as much as one-third of the amount due and allowed in his favor as a valid claim against the estate of such debtor."

SEC. 2. That section six (6) of said act be and the same is, hereby amended so that it shall hereafter read as follows, to-wit:

"SECTION 6. Every such assignee shall be a resident of this State and of the county in which the assignor resides, or in which his principal business was conducted, and he shall forthwith after the execution and delivery of the deed of assignment, cause the same to be recorded as herein provided, in the county of such assignee's residence, and also in every

county in which there is any real property conveyed to him by such deed of assignment, and shall execute a bond, with sureties, to be approved by the judge of the county court of the county in which the assignee resides, or by the judge of the district court of the judicial district in which such county is situated, conditioned that he will faithfully discharge his duties as such assignee, and that he will make proportional distribution of the net proceeds of the assigned estate among the creditors entitled thereto, which bond shall be payable to the State of Texas, and shall be filed with the county clerk of the county in which such assignee resides, and shall inure to the benefit of the assignor, and the creditor, or creditors, who may maintain an action thereon against such assignee and sureties, in his or their own name, jointly or severally, for any breach thereof, or violation of this law, by reason of which such assignor or creditor shall sustain damage, and upon the filing of said bond the assignee shall take possession of the assigned property, and proceed to execute the assignment, and if such assignee shall not, within five days after the delivery of the deed of assignment, execute an approved bond and file the same with the county clerk, as herein provided, such assignment shall, nevertheless, take effect as against the assignor and his creditors, and it shall be the duty of the county judge, or judge of the district court, as aforesaid, upon the application of the assignor, or any creditor, and being satisfied that such bond has not been given, approved and filed, to appoint in writing another competent assignee, who shall, upon the execution of such bond, approved and filed as herein provided, take possession of the assigned property, and proceed to execute the assignment. And it is further enacted, that no fraudulent act, intent or purpose of the assignor or assignee shall have the effect to defeat the assignment or to deprive the creditor's consenting thereto from the benefits thereof, but any such fraudulent act, intent or purpose on the part of the assignee shall be sufficient cause for his removal, as being an unsuitable person to perform the trust, and any consenting creditor may be or become a party to prosecute or defend in any suit or proceeding necessary or proper for the enforcement of his rights under such assignments, or for the protection of his interests in the assigned property."

SEC. 3. That section ten (10) of said act be, and the same is, hereby amended so that it shall hereafter read as follows, to-wit:

"SEC. 10. No assignment shall be declared fraudulent or void for want of any inventory or list, as provided herein, but the absence of the same shall be deemed prima facie evidence that the assignor or debtor has concealed or secreted some of his estate from his assignee or creditors, and whether the said list and inventory be prepared and filed or not, the judge of the district or county court, in whose court the proceedings shall have been filed, and having jurisdiction of the estate assigned, may, on the application of the assignee, or of any creditor of the assignor or debtor, or without such application, if the judge see fit, at all times require, upon such reasonable notice as the judge may direct, the assignor or debtor, or any other person, to attend and submit to an examination, on oath, upon all matters relating to the disposition made, or status of the property of the estate assigned, including all transactions in the past bearing upon the rights of the assignee or creditors with respect to the estate in assignment, as contemplated in law. The judge may enforce attendance and obedience to the orders made by a writ or order directed to the sheriff, or any constable, commanding the arrest of the persons referred to in the writ or order, to be brought be-

fore the judge at a time named for the purpose of examination, as provided herein, and such examination shall be in writing, and shall be signed by the persons examined, and shall be filed and attested or sworn to with the clerk of the court, wherein the proceedings are pending, for the use of those interested in the estate; provided, nevertheless, that no assignor or debtor shall be prosecuted or punished for any matter or thing disclosed by him on such examination as had above. The costs of such proceedings to be paid out of the estate assigned, or by the applicant for the examination, as the judge in each case may deem right and proper to order.

SEC. 4. The near approach of the close of the session creates an imperative public necessity authorizing the suspension of the rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved April 7, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LVII.

An Act authorizing cities on the coast of Texas, to appropriate money and to issue bonds for improvement of their harbors, and of the bars at the entrance thereof, and to levy a tax to pay for the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the boards of aldermen or other constituted municipal authorities of cities bordering on the coast of the Gulf of Mexico, are hereby authorized and empowered to appropriate money to improve, and to aid in the improvement of their harbors and of the bars at the entrance thereof; provided, that they shall not thereby increase their aggregate debt beyond the amount of indebtedness limited by their charters respectively; such appropriations to be made out of any surplus funds which may at any time be on hand, and by the use or sale of any bonds heretofore authorized to be issued; provided, such bonds are not needed for the purposes for which they were specially authorized; and also if necessary therefor, to issue and dispose of bonds with interest coupons attached, in such amounts as may be necessary, not to exceed the limit of indebtedness fixed by their charters.

SEC. 2. The city council or other constituted municipal authorities, as the case may be, shall levy an annual ad valorem tax on the property in said city, sufficient to pay the interest and create a sinking fund for the redemption of said bonds, as required by the Constitution.

SEC. 3. The interest on said bonds shall be paid semi-annually, and it shall not exceed five per cent.

SEC. 4. Said bonds shall not be sold at less than par.

SEC. 5. Whereas, the great demand for harbor improvements on the coast of Texas, and the near approach of the close of this session, creates an imperative public necessity and emergency for the suspension of the rule requiring this bill to be read on three several days, and it is so suspended, and that the same take effect and be in force from and after its passage, and it is so enacted.

Approved April 7, 1883.

Takes effect after passage.

## CHAPTER LVIII.

An Act to amend Article 4462 of the Revised Civil Statutes of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 4462 of the Revised Civil Statutes of the State of Texas shall hereafter read as follows:

ARTICLE 4462. The chief clerk of the Comptroller's Office, the chief clerk and receiving clerk of the General Land Office, the chief clerk of the State Department, the chief clerk of the Treasurer's Office, and each librarian of the Supreme Court, shall receive such salaries as may be prescribed by law.

SEC. 2. The early adjournment of the Legislature, and the fact that appropriations must be made for the support of these officers, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 7, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LIX.

An Act to amend Article 2403, Chapter 3, Title 42, of the Revised Civil Statutes of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 2403, Chapter 3, Title 42, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

"ARTICLE 2403. The county treasurer shall receive commissions on the moneys received and paid out by him, said commissions to be fixed by order of the commissioners' courts as follows: For receiving and paying out moneys belonging to the school fund, not exceeding one per cent; for receiving any other moneys for the county not exceeding two and one-half per cent, and not exceeding two and one-half per cent for paying out the same; provided, in counties where the treasurer's fees under this article amount to less than four hundred dollars, the commissioners' court may increase the per cent to such a rate as will secure the said county treasurer's fees not more than four hundred dollars per annum; provided, that such increased compensation shall be paid out of the general revenues of the county; and provided further, that this act shall apply only to counties in which the bond required of the treasurer shall be as much as twenty thousand dollars."

SEC. 2. The fact that in many counties of the State the compensation of the county treasurers is so grossly inadequate as to induce the fear that the office will be vacant, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is accordingly so enacted.

Approved April 7, 1883.

Takes effect after passage.

## CHAPTER LX.

An Act to amend Article 1134 of the Revised Civil Statutes of the State of Texas, and to add Article 1134a, requiring county judges now in office to give official bonds.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 1134 of the Revised Statutes of the State of Texas, be so amended as to read as follows:

ARTICLE 1134. The county judge shall, before entering on the duties of his office, execute a bond with two or more good and sufficient sureties, to be approved by the commissioners' court of his county in a sum of not less than one thousand dollars nor more than five thousand dollars, the amount of said bond to be determined and fixed by the county commissioners' court, payable to the treasurer of his county conditioned that he will pay over to the person or officer entitled to receive it, all moneys that may come into his hands as county judge, within thirty days after he shall have received the same, and take the oath of office prescribed in the Constitution, and the further oath required of the several members of the commissioners' court.

SEC. 2. That an additional article shall be inserted in the Revised Civil Statutes, to read as follows, viz;

ARTICLE 1134a. That the county judges now in office in this State, shall within thirty days after this act takes effect, execute bonds in accordance with the provisions of the first section of this act, and upon the failure of the county judge of any county to execute such bond within thirty days or before the next regular term of the commissioners' court of such county, after the expiration of said thirty days, it shall be the duty of such court to declare the office of county judge vacant, and proceed at once to fill such vacancy in the manner prescribed by law.

SEC. 3. Whereas under the laws now in force a large amount of the county funds are collected by the county judge from those hiring county convicts: and whereas, a large amount of the school fund belonging to the counties pass through his hands; and whereas; there is no adequate protection for such funds under the laws now in force in this State; therefore an imperative public necessity and emergency exists for the immediate passage of this act: It is therefore enacted that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXI.

An Act to amend Articles 1678, 1698, 1699, 1700, 1705, 1707, 1708 and 1709 of the Revised Civil Statutes of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That articles 1678, 1698, 1699, 1700, 1705, 1707, 1708 and 1709 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

ARTICLE 1678. The presiding officer, judges and clerks of election



shall be entitled to receive, as compensation for their services, the sum of two dollars each, for each day, and two dollars for each night, for each and every day and night, necessarily employed by them in the discharge of their duties; the same to be paid by the county treasurer of the county where such services are rendered, upon the order of the commissioners' court of such county; provided, they shall receive compensation for not more than one day and one night.

**ARTICLE 1698.** When the ballots have all been counted, the managers of the election in person shall make out triplicate returns of the same, certified to be correct, and signed by them officially, showing, first, the total number of votes polled at such box; second, the number polled for each candidate, one of which returns, together with poll lists and tally lists, shall be sealed up in an envelope and delivered by one of the managers of election to the county judge of the county; another of said returns, together with poll lists and tally lists, shall be delivered by one of the managers of election to the clerk of the county court of the county, to be kept by him in his office open to inspection by the public for twelve months from the day of the election; and the other of said returns, poll and tally lists shall be kept by the presiding officer of the election for twelve months from the day of election.

**ARTICLE 1699.** In case of vacancy in the office of county judge, or the absence, failure or inability of that officer to act, the election returns shall be delivered to the clerk of the county court of the county, who shall safely keep the same in his office, and he, or the county judge, as the case may be, shall deliver the same to the county commissioners' court on the day appointed by law to open and compare the polls.

**ARTICLE 1700.** The election returns shall be delivered as provided in the two preceding articles, on or before the Monday next following the day of election.

**ARTICLE 1705.** On the Monday next following the day of election, and not before, the county commissioners' court shall open the election returns, and estimate the result, recording the state of the polls in each precinct in a book to be kept for that purpose; provided that, in the event of failure, from any cause, of the commissioners' court to convene on the Monday following the election to compute the votes, then said court shall be convened for that purpose upon the earliest day practicable thereafter.

**ARTICLE 1707.** After an estimate of the result of an election has been made, as provided for in this act, the county judge shall deliver to the candidate, or candidates, for whom the greatest number of votes have been polled for county and precinct officers, a certificate of election, naming therein the office to which such candidate has been elected, the number of votes polled for him, and the day on which such election was held; and shall sign the same, and cause the seal of the county court to be thereon impressed.

**ARTICLE 1708.** If the county constitutes a senatorial or representative district of itself, the county commissioners' court shall, at the same time, make an estimate of the votes polled for members of the Legislature; and the county judge shall give a like certificate of election, as provided in the preceding article, to the person receiving the highest number of votes for Senator or Representative, and shall, also, transmit a duplicate of such certificate to the Secretary of State.

**ARTICLE 1709.** In all elections for Comptroller of Public Accounts, Treasurer of the State, Commissioner of the General Land Office, Attor-

ney General, Judges of the Supreme Court, Court of Appeals and district courts, district attorneys, and for Representatives in the Congress of the United States, the county judge shall, on the Monday next following the day of election, and not before, make out duplicate returns of the election; one of which he shall immediately transmit to the seat of government in this State, sealed in an envelope, directed to the Secretary of State, and endorsed, "Election returns for.....county for....." [filing the first blank with the name of the county, and the other blank with the office for which the election was held;] and the other of such returns shall be deposited in the office of the clerk of the county court of the county where such election was held.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXII.

An Act to create the land districts of Wheeler, Oldham, Donley and Wilbarger.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the counties of Wheeler, Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb, are hereby made and constituted the Wheeler Land District, and the county surveyor of Wheeler county shall be the surveyor of said district: he shall keep his office at the county seat of said Wheeler county, and the records of all files and surveys of land in said district shall be kept in said office.

SEC. 2. That the counties of Oldham, Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam are hereby made and constituted the Oldham Land District, and the county surveyor of Oldham county shall be the surveyor of said district: he shall keep his office at the county seat of Oldham county, and the records of all files and surveys of land in said district shall be kept in said office.

SEC. 3. That the counties of Donley, Carson, Armstrong, Swisher, Randall, Floyd, Briscoe, Hall and Childress are hereby made and constituted the Donley Land District, and the county surveyor of Donley county shall be the surveyor of said district: he shall keep his office at the county seat of said Donley county, and the records of all files and surveys of land in said district shall be kept in said office.

SEC. 4. That the counties of Wilbarger and Hardeman are hereby constituted the Wilbarger Land District, and the county surveyor of Wilbarger shall be the surveyor of said district: he shall keep his office at the county seat of Wilbarger county, and the records of all files and surveys of land in said district shall be kept in said office.

SEC. 5. It shall be the duty of the Commissioner of the General Land Office, immediately after this act takes effect, to furnish each of the said district surveyors named in this act, with a certified copy of all maps, field notes and sketches of all surveys in their said districts, which shall be filed in their said offices, and shall be public archives thereof: and it shall not be lawful for said surveyors to make any surveys, within their said districts, until said certified copies are received by them.

SEC. 6. That all laws and parts of laws in conflict with this act, in so far as the same may affect the land districts hereby created, be and the same are hereby repealed.

SEC. 7. The near approach of the close of the session and the great amount of important matters to be disposed of by this Legislature, creates an imperative public necessity and an emergency exists, requiring the constitutional rule requiring this bill to be read on three several days, be suspended; and it is so enacted.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXIII.

An Act to amend Articles 1006, 1007, and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21st 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Articles 1006, 1007, and 1008 of the Revised Civil Statutes of the State of Texas shall hereafter read as follows:

ARTICLE 1006. Appeals and writs of error from the counties of Anderson, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood shall be returnable to the term of said court held at Tyler; provided, that all cases from the county of Navarro pending in the Supreme Court and Court of Appeals at Austin, and undetermined at the adjournment of the term of said court, commencing on the first Monday in April 1883, shall be transferred to Tyler, and shall be entered upon the dockets of said courts at Tyler, and shall be tried and determined in the same manner as if said cases had originally been made returnable to the term of said courts held at Tyler.

ART. 1007. Appeals and writs of error from the counties of Aransas, Angelina, Austin, Bee, Brazoria, Burleson, Calhoun, Cameron, Chambers, Colorado, De Witt, Duval, Encinal, Fayette, Fort Bend, Freestone, Galveston, Goliad, Gonzales, Grimes, Hardin, Harris, Hidalgo, Houston, Jackson, Jasper, Jefferson, Lavacca, Leon, Liberty, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, San Jacinto, San Patricio, Starr, Trinity, Tyler, Victoria, Walker, Waller, Washington, Webb, Wharton and Zapata shall be returnable to the terms of said court at Galveston; provided, that all cases from the counties of Burleson and Washington pending in the Supreme Court, and Court of Appeals at Austin, and undetermined at the adjournment of the term of said court commencing on the first Monday in April 1883, shall be transferred to Galveston and shall be entered upon the docket of said courts at Galveston, and shall be tried and determined in the same manner as if said cases had originally been made returnable to the term of said courts held at Galveston.

ART. 1008. Appeals and writs of error from the counties of Anderson, Archer, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Childress, Clay, Cockran, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Edwards, Ellis, El Paso, Erath,

Falls, Fannin, Fisher, Floyd, Frio, Gaines, Garza, Gillespie, Gray, Grayson, Greer, Gaudalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hutchinson, Jack, Johnson, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lee, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Milam, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palmer, Palo Pinto, Parker, Pecos, Potter, Presidio, Randall, Roberts, Robertson, Rockwall, Runnels, San Saba, Scurry, Shackelford, Sherman, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Uvalde, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Yoakum, Young, and Zavala shall be returnable to the term of said court held at Austin.

SEC. 2. The near approach of the close of the session, and the great press of business, rendering it improbable that this bill will be reached in its regular order, and the importance of this bill creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER LXIV.

An Act to amend Section 1 of an Act entitled "An Act to provide for the traveling and other contingent expenses of the Quartermaster and Commissary of the Frontier Battalion," approved May 4th 1874.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That section 1 of the above entitled act be so amended as to hereafter read as follows, to-wit: That the quartermaster and commissary of the Frontier Battalion be and is hereby allowed the sum of three hundred dollars per annum for his traveling and other contingent expenses.

SEC. 2. That the near approach of the close of this session of the Legislature and the desire for economy in the management of this frontier force, creates an emergency, and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is accordingly suspended, and this act shall be in force and take effect from and after its passage.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER LXV.

An Act to repeal an act entitled "An Act prescribing the place for the sale of property under legal process, and deeds of trust, in Marion county," approved January 25th, 1875.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the act entitled "An Act prescribing the place for the sale of prop-

erty under legal process and deeds of trust in Marion county," approved January 25th 1875, be and the same is hereby repealed.

SEC. 2. Whereas this session of the Legislature is rapidly drawing to a close, and whereas the court-house door of Marion county as defined in the above act is different from the court-house door proper; therefore in order to prevent confusion and to facilitate the sale under legal process; therefore an imperative public necessity exists requiring the constitutional rule which requires bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after the 8th day of April 1883.

Approved April 9, 1883.

Takes effect after passage.

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## CHAPTER LXVI.

An Act to restore to and confer upon the county courts of Comanche, El Paso, Presidio, Pecos, Tom Green, and Hidalgo counties, the civil and criminal jurisdiction heretofore belonging to said courts, under the Constitution and general statutes of the State, to conform the jurisdiction of the district courts to such change, and to repeal all laws in conflict with the provisions of this act.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the county courts of the counties of Comanche, El Paso, Presidio, Pecos, Tom Green, and Hidalgo shall hereafter have exclusive original jurisdiction in civil cases when the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest and shall have concurrent jurisdiction with the district courts of said counties when the matter in controversy shall exceed five hundred dollars, and not exceed one thousand dollars.

SEC. 2. Said county courts shall have appellate jurisdiction in civil cases over which the justices courts have original jurisdiction, when the judgment of the court appealed from, or the amount in controversy, shall exceed twenty dollars: and said county courts shall have power to hear and determine cases brought up from the justices courts by certiorari, under the provisions of the title of the Revised Civil Statutes relating thereto.

SEC. 3. The county judges of said counties shall have authority, either in term time or vacation, to grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari and supersedeas and all other writs necessary to the enforcement of the jurisdiction of said courts, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not conferred the power on the district courts or judges thereof.

SEC. 4. Said county courts shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said courts have jurisdiction.

SEC. 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars: and said courts shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.

SEC. 6. The district courts of said counties of Comanche, El Paso, Presidio, Pecos, Tom Green, and Hidalgo, shall no longer have jurisdiction of cases of which the county courts of said counties, by the provisions of this act, have exclusive original or appellate jurisdiction: and it shall be the duty of the district clerks of said counties, within thirty days after the passage of this act, to make a full and complete transcript of all orders on their respective dockets, in cases now pending before said district courts, of which cases by the terms of this act, exclusive jurisdiction is given the county court, and to deliver said transcript, together with the original papers, and a certified bill of costs in each case to the clerks of said county courts herein named, and said county clerks shall enter said cases on their respective dockets for trial by said county courts.

SEC. 7. The county courts of said counties shall hereafter hold their regular terms for civil and criminal business, as provided in the Constitution and general laws of the State, and all process heretofore issued from the district courts of said counties, in cases to be transferred under this act to the county courts, shall be returnable to the first term of the proper county court, and all civil cases so transferred shall be entered as appearance causes upon the dockets of said county court.

SEC. 8. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 9. The crowded condition of the dockets of the district courts of the counties herein named, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

Approved April 9, 1883.

Takes effect after passage.

## CHAPTER LXVII.

An Act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That said State shall be re-districted into the following judicial districts, and district judges and district attorneys be elected in said districts as hereinafter provided: The first judicial district shall be composed of the counties of Jasper, Newton, Orange, Jefferson and Tyler: and the district courts therein shall be held as follows: In the county of Jasper on the first Mondays in March and September, and may continue in session three weeks. In the county of Newton, on the third Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Orange on the sixth Monday after the first Mondays in March and September and may continue in session four weeks. In the county of Jefferson on the tenth Monday after the first Mondays in March and September, and may continue in session four weeks. In the county of Tyler on the fourteenth Monday after the first

Mondays in March and September and may continue in session until the business is disposed of.

SEC. 2. The second judicial district shall be composed of the counties of Sabine, San Augustine, Nacogdoches and Cherokee, and the district courts shall be held therein as follows: In the county of Sabine on the first Mondays in February and September, and may continue in session two weeks. In the county of San Augustine on the second Mondays after the first Mondays in February and September, and may continue in session four weeks. In the county of Nacogdoches on the sixth Monday after the first Mondays in February and September, and may continue in session six weeks. In the county of Cherokee on the twelfth Monday after the first Mondays in February and September, and may continue in session until the business is disposed of.

SEC. 3. The third judicial district shall be composed of the counties of Henderson, Houston and Anderson, and the district courts shall be held therein as follows: In the county of Henderson on the first Mondays in February and September, and may continue in session four weeks. In the county of Houston on the fourth Monday after the first Mondays in February and September, and may continue in session seven weeks. In the county of Anderson on the eleventh Monday after the first Mondays in February and September, and may continue in session until the business is disposed of.

SEC. 4. The fourth judicial district shall be composed of the counties of Rusk, Panola, Shelby, and Harrison, and the district courts shall be held therein as follows: In the county of Rusk on the first Mondays in January and July, and may continue in session six weeks. In the county of Panola on the sixth Monday after the first Mondays in January and July, and may continue in session four weeks. In the county of Shelby on the tenth Monday after the first Mondays in January and July, and may continue in session three weeks. In the county of Harrison on the sixteenth Monday after the first Mondays in January and July, and may continue in session until the business is disposed of.

SEC. 5. The fifth judicial district shall be composed of the counties of Bowie, Cass, Marion, Morris, Titus, Franklin and Camp, and the district courts therein shall be held as follows: In the county of Cass on the first Mondays in February and September, and may continue in session three weeks. In the county of Bowie on the third Monday after the first Mondays in February and September, and may continue in session three weeks. In the county of Morris on the sixth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Titus on the eighth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Franklin on the tenth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Camp on the twelfth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Marion on the fourteenth Monday after the first Mondays in February and September and may continue in session six weeks: Provided, that no jury shall be empanelled in Marion county after the fourth weeks of said terms, unless the judge in term time shall make an order, to be entered on the minutes of the district court, directing that juries be drawn for a longer time at the succeeding term.

SEC. 6. The sixth judicial district shall be composed of the counties of Fannin, Lamar and Red River and the district court therein shall be

held as follows: In the county of Fannin on the third Mondays in February and August and may continue in session six weeks. In the county of Lamar on the sixth Monday after the third Mondays in February and August and may continue in session seven weeks. In the county of Red River on the thirteenth Monday after the third Mondays in February and August and may continue in session five weeks.

SEC. 7. The seventh judicial district shall be composed of the counties of Smith, Van Zandt, Raines, Wood, Upshur and Gregg and the district courts shall be held therein as follows: In the county of Upshur on the first Monday in February and the last Monday in August and may continue in session two weeks. In the county of Gregg on the second Monday after the first Monday in February and last Monday in August and may continue in session three weeks. In Smith county on the fifth Monday after the first Monday in February and last Monday in August and may continue in session eight weeks. In the county of Van Zandt on the thirteenth Monday after the first Monday in February and last Monday in August and may continue in session four weeks. In the county of Raines on the seventeenth Monday after the first Monday in February and last Monday in August and may continue in session two weeks. In the county of Wood on the nineteenth Monday after the first Monday in February and last Monday in August and may continue in session for two weeks.

SEC. 8. The eighth judicial district shall be composed of the counties of Kaufman, Hunt, Hopkins, Delta and Rockwall and the district courts shall be held therein as follows: In the county of Hunt on the first Mondays in January and July and may continue in session six weeks. In the county of Delta on the sixth Monday after the first Mondays in January and July and may continue in session three weeks. In the county of Hopkins on the ninth Monday after the first Mondays in January and July and may continue in session five weeks. In the county of Rockwall on the eighteenth Monday after the first Mondays in January and July and may continue in session two weeks. In the county of Kaufman on the twentieth Monday after the first Mondays in January and July and may continue in session five weeks.

SEC. 9. The ninth judicial district shall be composed of the counties of Chambers, Liberty, Hardin, San Jacinto, Polk and Angelina and the district court therein shall be held as follows: In the county of Chambers on the first Mondays in March and September and may continue in session two weeks. In the county of Liberty on the second Mondays after the first Mondays in March and September and may continue in session four weeks. In the county of Hardin on the sixth Mondays after the first Mondays in March and September and may continue in session two weeks. In the county of San Jacinto on the eighth Mondays after the first Mondays in March and September and may continue in session five weeks. In the county of Polk on the fourteenth Mondays after the first Mondays in March and September and may continue in session five weeks. In the county of Angelina on the nineteenth Mondays after the first Mondays in March and September and may continue in session three weeks, or until the business is disposed of.

SEC. 10. The county of Galveston shall constitute the tenth judicial district and the district court shall be begun and held therein as follows: On the first Mondays in February, April, June, August, and December and may continue in session until the business is disposed of.

SEC. 11. The eleventh judicial district shall be composed of the



counties of Harris and Montgomery and the district courts shall be held therein as follows: In the county of Montgomery on the first Mondays in February and September may continue in session four weeks. In the county of Harris on the second Mondays in March and October and may continue in session until the business is disposed of.

SEC. 12. The twelfth judicial district shall be composed of the counties of Grimes, Walker, Madison, Trinity and Leon and the district courts shall be held therein as follows: In the county of Trinity on the second Mondays in February and August and may continue in session three weeks. In the county of Walker on the first Mondays in March and September and may continue in session four weeks. In the county of Grimes on the fourth Monday after the first Mondays in March and September and may continue in session five weeks. In the county of Madison on the ninth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Leon on the twelfth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

SEC. 13. The thirteenth judicial district shall be composed of the counties of Limestone, Freestone and Navarro and the district courts shall be held therein as follows: In the county of Freestone on the first Mondays in February and September and may continue in session four weeks. In the county of Navarro on the first Mondays in June and December and may continue in session eight weeks. In the county of Limestone on the fourth Monday after the first Mondays in February and September and may continue in session eight weeks.

SEC. 14. The fourteenth judicial district shall be composed of the counties of Dallas and Ellis and the district courts shall be held therein as follows: In the county of Ellis on the first Mondays in February and September and may continue in session five weeks. In the county of Dallas on the second Mondays in March, May, October and December and may continue in session until the business is disposed of.

SEC. 15. The fifteenth judicial district shall be composed of the counties of Grayson and Collin and the district courts shall be held therein as follows: In the county of Collin on the first Mondays in January and June and may continue in session eight weeks. In the county of Grayson on the second Mondays in March and September and may continue in session until the business is disposed of.

SEC. 16. The sixteenth judicial district shall be composed of the counties of Cooke, Denton, Wise and Montague and the district courts shall be held therein as follows: In the county of Cooke on the first Mondays in January and July and may continue in session seven weeks. In the county of Denton on the seventh Monday after the first Mondays in January and July and may continue in session seven weeks. In the county of Wise on the fourteenth Monday after the first Mondays in January and July and may continue in session six weeks. In the county of Montague on the twentieth Monday after the first Mondays in January and July and may continue in session until the business is disposed of.

SEC. 17. The seventeenth judicial district shall be composed of the counties of Parker and Tarrant and the district courts therein shall be held as follows: The county of Parker on the first Mondays in February and August and may continue in session six weeks. In the county of Tarrant on the sixth Monday after the first Mondays in February and August and may continue in session until the business is disposed of.

SEC. 18. The eighteenth judicial district shall be composed of the

counties of Johnson, Hill and Bosque and the district courts therein shall be held as follows: In the county of Bosque on the third Mondays in January and August and may continue in session six weeks. In the county of Hill on the sixth Monday after the third Mondays in January and August and may continue in session five weeks. In the county of Johnson on the eleventh Monday after the third Mondays in January and August and may continue in session until the business is disposed of also in the county of Hill on the first Monday in July and may continue in session until the business is disposed of.

SEC. 19. The nineteenth judicial district shall be composed of the counties of McLennan and Falls and the district courts shall be held therein as follows: In the county of Falls on the first Mondays in January and July and may continue in session eight weeks. In the county of McLennan on the first Mondays in March and October and may continue in session until the business is disposed of.

SEC. 20. The twentieth judicial district shall be composed of the counties of Milam, Robertson and Brazos and the district courts shall be held therein as follows: In the county of Robertson on the first Monday in January and second Monday in June, and may continue in session eight weeks. In the county of Brazos on the first Mondays in March and September and may continue in session six weeks. In the county of Milam on the third Mondays in April and October and may continue in session seven weeks.

SEC. 21. The counties of Washington, Burleson and Lee shall compose the twenty first judicial district and the district court shall be held therein as follows: In the county of Washington on the first Monday in March and September and may continue in session eight weeks. In the county of Lee on the eighth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Burleson on the eleventh Monday after the first Mondays in March and September and may continue in session three weeks.

SEC. 22. The twenty second judicial district shall be composed of the counties of Austin, Fayette, Bastrop, Caldwell and Hays and the district courts shall be held therein as follows: In the county of Hays on the first Mondays in March and September and may continue in session three weeks. In the county of Caldwell on the fourth Mondays in March and September and may continue in session three weeks. In the county of Bastrop on the sixth Monday after the first Mondays in March and September and may continue in session four weeks. In the county of Fayette on the tenth Monday after the first Mondays in March and September and may continue in session six weeks. In the county of Austin on the seventeenth Monday after the first Mondays in March and September and may continue in session four weeks.

SEC. 23. The twenty third judicial district shall be composed of the counties of Brazoria, Jackson, Fort Bend, Matagorda, Waller and Wharton and the district court shall be held therein as follows: In the county of Waller on the first Mondays in March and September and may continue in session three weeks. In the county of Fort Bend on the third Monday after the first Mondays in March and September and may continue in session four weeks. In the county of Wharton on the seventh Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Jackson on the tenth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Matagorda on the thir-

enth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Brazoria on the fifth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

Sec. 24. The twenty fourth judicial district shall be composed of the counties of DeWitt, Karnes, Victoria, Bee, Goliad, Refugio, Calhoun, and Aransas and the district courts shall be held therein as follows: In the county of DeWitt on the thirteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of. In the county of Victoria on the tenth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Calhoun on the ninth Monday after the first Mondays in March and September and may continue in session one week. In the county of Refugio on the first Mondays in March and September and may continue in session two weeks. In the county of Aransas on the second Monday after the first Mondays in March and September and may continue in session one week. In the county of Goliad on the third Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Karnes on the fifth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Refugio on the tenth Monday after the first Mondays in March and September and may continue in session two weeks.

Sec. 25. The twenty fifth judicial district shall be composed of the counties of Lavaca, Gonzales, Guadalupe, Wilson and Colorado and the district courts shall be held therein as follows: In the county of Lavaca on the first Mondays in February and August and may continue in session four weeks. In the county of Colorado on the fourth Monday after the first Mondays in February and August and may continue in session two weeks. In the county of Gonzales on the eighth Monday after the first Mondays in February and August and may continue in session four weeks, or until the business is disposed of. In the county of Guadalupe on the thirteenth Monday after the first Mondays in February and August and may continue in session four weeks. In the county of Wilson on the seventeenth Monday after the first Mondays in February and August and may continue in session two weeks.

Sec. 26. The twenty sixth judicial district shall be composed of the counties of Williamson and Travis and the district court shall be held therein as follows: In the county of Williamson on the second Mondays in May and November and may continue in session six weeks. In the county of Travis on the first Mondays in January and July and may continue in session until the business is disposed of.

Sec. 27. The twenty seventh judicial district shall be composed of the counties of Bell, Lampasas and Burnett and the district courts shall be held therein as follows: In the county of Burnett on the first Mondays in April and October in each year and may continue in session four weeks. In the county of Lampasas on the first Mondays in May and November in each year and may continue in session four weeks. In the county of Bell on the first Mondays in June and December in each year and may continue in session until the business is disposed of.

Sec. 28. The twenty eighth judicial district shall be composed of the counties of Webb, Encinal, Duval, Nueces, Zapata, Starr, Hidalgo and Cameron and the district courts therein shall be held as follows: In the county of Cameron on the first Mondays in February and September and

may continue in session four weeks. In the county of Hidalgo on the fourth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Starr on the sixth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Zapata on the eighth Monday after the first Mondays in February and September and may continue in session one week. In the county of Webb on the ninth Monday after the first Mondays in February and September and may continue in session five weeks. In the county of Duval on the fourteenth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Nueces on the sixteenth Monday after the first Mondays in February and September and may continue in session until the business is disposed of, not to exceed six weeks. The unorganized county of Encinal is hereby attached to the county of Webb for judicial purposes.

SEC. 29. The twentieth judicial district shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton and Coryell and the district court shall be held therein as follows: In Palo Pinto county on the first Mondays in March and September and may continue in session two weeks. In the county of Hood on the third Mondays in March and September and may continue in session two weeks. In the county of Somervell on the fourth Monday after the first Mondays in March and September and may continue in session one week. In the county of Erath on the fifth Monday after the first Mondays in March and September and may continue in session five weeks. In the county of Hamilton on the tenth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Coryell on the thirteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

SEC. 30. The thirtieth judicial district shall be composed of the counties of Jack, Clay, Wichita, Archer, Young, Throckmorton, Baylor, Wilbarger and the unorganized counties of Hardeman, Knox, Haskell, King, Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran, and Cottle and the district courts shall be held therein as follows: In the county of Jack on the second Mondays in January and July and may continue in session three weeks. In the county of Young on the third Monday after the second Mondays in January and July and may continue in session three weeks. In the county of Throckmorton on the sixth Monday after the second Mondays in January and July and may continue in session two weeks. In the county of Baylor on the eighth Monday after the second Mondays in January and July and may continue in session two weeks. In the county of Archer on the tenth Monday after the second Mondays in January and July and may continue in session two weeks. In the county of Clay on the twelfth Monday after the second Mondays in January and July and may continue in session four weeks. In the county of Wilbarger on the eighteenth Monday after the second Mondays in January and July and may continue in session two weeks. The county of Haskell be and the same is hereby attached for judicial purposes to the county of Throckmorton; the counties of King, Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran and Knox to the county of Baylor; and the counties of Hardeman and Cottle to the county of Wilbarger, and when the county of Knox shall be organized, the county of King shall be attached to it for judicial

purposes: and the county of Cottle to the county of Hardeman whenever the latter shall be organized.

SEC. 31. The thirty first judicial district shall be composed of the counties of Wheeler, Oldham, Donley and the unorganized counties of Greer, Collingsworth, Childress, Hall, Motley, Floyd, Briscoe, Swisher, Hale, Castro, Parmer, Deaf Smith, Randel, Armstrong, Gray, Carson, Potter, Hartley, Moore, Hutchins, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam and the district courts shall be held therein as follows: In the county of Oldham on the first Mondays in April and October and may continue in session four weeks. In the county of Donley on the first Mondays in January and July and may continue in session four weeks. In the county of Wheeler on the eighth Monday after the first Mondays in April and October and may continue in session four weeks. The unorganized counties of Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam shall be and they are hereby attached to the county of Oldham for judicial purposes. The counties of Carson, Randall, Armstrong, Swisher, Hale, Floyd, Briscoe, Hall, Motley and Childress are attached to the county of Donley for judicial purposes; and the counties of Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb are attached to the county of Wheeler for judicial purposes.

SEC. 32. The thirty second judicial district shall be composed of the counties of Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Tom Green, Runnels and Concho and the district courts shall be held therein as follows: In the county of Jones on the first Mondays in February and September and may continue in session two weeks. In the county of Taylor on the third Mondays in February and September and may continue in session three weeks. In the county of Runnels on the fifth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Concho on the seventh Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Tom Green on the ninth Monday after the first Mondays in February and September and may continue in session four weeks. In the county of Howard on the thirteenth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Mitchell on the fifteenth Monday after the first Mondays in February and September and may continue in session five weeks. In the county of Nolan on the twentieth Monday after the first Mondays in February and September and may continue in session until the business is disposed of. The unorganized county of Stonewall is hereby attached for judicial purposes to the county of Jones; the county of Fisher to the county of Nolan; the counties of Kent, Garza, Lynn and Scurry to the county of Mitchell and the counties of Borden, Dawson, Perry, Yoakum, Gaines, Andrews and Martin to the county of Howard.

SEC. 33. The thirtythird judicial district shall be composed of the counties of Blanco, Gillespie, Llano, Mason, Kimble, Menard, San Saba and McCulloch and the district courts shall be held therein as follows: In the county of San Saba on the first Mondays in March and September, and may continue in session two weeks. In the county of McCulloch on the third Mondays in March and September, and may continue in session two weeks. In the county of Menard on the fourth Monday after the first Mondays in March and September and may continue in session

two weeks. In the county of Kimble on the sixth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Mason on the eighth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Gillespie on the tenth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Blanco on the twelfth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Llano on the fourteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

SEC. 34. The thirty fourth judicial district shall be composed of the counties of El Paso, Presidio, and Pecos and the district courts shall be held therein as follows: In the county of Pecos on the first Mondays in March and September and may continue in session two weeks. In the county of Presidio on the third Monday after the first Mondays in March and September and may continue in session four weeks. In the county of El Paso on the eighth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

SEC. 35. The thirty fifth judicial district shall be composed of the counties of Shackelford, Stephens, Callahan, Eastland, Coleman, Brown and Comanche and the district courts shall be held therein as follows: In the county of Comanche on the first Mondays in February and September and may continue in session three weeks. In the county of Brown on the third Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Coleman on the sixth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Callahan on the ninth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Shackelford on the twelfth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Stephens on the fifteenth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Eastland on the first Mondays in January and July and may continue in session until the business is disposed of.

SEC. 36. The thirtysixth judicial district shall be composed of the counties of San Patricio, Live Oak, McMullen, La Salle, Dimmitt, Maverick, Zavalla, Frio and Atascosa, and the district courts shall be held therein as follows: In the county of San Patricio on the first Mondays in March and September and may continue in session one week. In the county of Live Oak on the second Mondays in March and September, and may continue in session two weeks. In the county of McMullen on the fourth Mondays in March and September and may continue in session two weeks. In the county of Atascosa on the fifth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Frio on the eighth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of La Salle on the tenth Monday after the first Mondays in March and September and may continue in session one week. In the county of Dimmitt on the eleventh Monday after the first Mondays in March and September and may continue in session one week. In the county of Maverick on the twelfth Monday after the first Mondays in March and September and may continue in session until the bus-

iness is disposed of. The county of Zavalla is hereby attached to the county of Frio for judicial purposes.

SEC. 37. The thirty seventh judicial district shall be composed of the county of Bexar and the district court therein shall be begun and holden as follows: On the first Monday in March and may continue in session twelve weeks. On the first Monday in June and may continue in session four weeks. On the first Monday in September and may continue in session twelve weeks; and on the first Monday in December and may continue in session twelve weeks.

SEC. 38. The thirty eighth judicial district shall be composed of the counties of Comal, Kendall, Kerr, Bandera, Medina, Uvalde, Edwards, Kinney and Crockett and the district courts therein shall be held as follows: In the county of Kinney on the first Mondays in March and September and may continue in session three weeks. In the county of Uvalde on the second Mondays in March and September and may continue in session two weeks. In the county of Medina on the fourth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Bandera on the sixth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Kerr on the eighth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Kendall on the eleventh Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Comal on the thirteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of. The unorganized county of Edwards is hereby attached for judicial purposes to the county of Kerr, and the county of Crockett to the county of Kinney.

SEC. 39. One district judge shall be elected in each of the districts created by this act, at the next general election in this State, to be held on the first Tuesday after the first Monday in November A. D. 1884, and the judges so elected shall hold their offices for the term of four years: Provided, that the provisions of this section shall not apply to the thirty-third and thirty-sixth judicial districts.

SEC. 40. A district attorney shall be elected in each of the following districts at the next general election, to-wit: First, second, third, fourth, fifth, seventh, eighth, ninth, thirteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth.

SEC. 41. Whenever any unorganized county shall organize, the district judge of the district including such county may designate the times for holding the district court therein, and give the necessary notice of such time, and shall thereafter hold the district court in such county at the times so fixed, until otherwise provided by law.

SEC. 42. All writs and process, civil and criminal, heretofore issued, or which may be issued up to the time this act takes effect, by or from the district courts in the several counties of this State, and made returnable to the former terms of said courts as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts in each county, as they are prescribed by this act: and all such writs and process that may be issued by or from said courts at any time within five days next before the holding of the next ensuing terms of said

courts, as prescribed herein, are hereby made returnable to said terms respectively, and all such writs and process hereinbefore mentioned are hereby legalized and validated to all intents and purposes as if the same had been made returnable to the term of said courts as the terms thereof are herein prescribed.

SEC. 43. That this act take effect and be in force on and after the first Tuesday after the first Monday in November A. D. 1884: Provided, that the district courts in the several counties in this State shall be held by the district judges under and in accordance with the laws now in force, until the judges elected under this act shall qualify: and provided further that this act shall take effect and be in force on and after the first day of September A. D. 1884 for the purpose of ordering and holding the elections herein authorized and for all purposes necessary to a compliance with the requirements of the election laws of the State of Texas.

SEC. 44. That in case the term of court in any county as fixed by this act shall have partly elapsed at the time of the qualification of the district judge of the district to which such county belongs, then such judge shall proceed to hold said court for the remainder of said term.

SEC. 45. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved April 9, 1883.

Takes effect September 1, 1884.

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## CHAPTER LXVIII.

An Act to amend Article 795, Chapter 17, of the Penal Code.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 795, chapter 17, of the Penal Code be so amended as to read as follows:

"ARTICLE 795. If any executor, administrator or guardian having charge of any estate, real, personal or mixed, shall unlawfully, and with intent to defraud any creditor, heir, legatee, ward or distributee interested in such estate, convert the same or any part thereof to his own use, he shall be deemed guilty of the offense of swindling.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER LXIX.

An Act to amend Article 186 of the Penal Code.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 186 of the Penal Code be amended so as hereafter to read as follows, to-wit:

"ARTICLE 186. Any merchant, grocer, or dealer in wares or merchandise, or trader in any lawful business whatsoever, or the agent or employee of any such persons, who shall sell or barter on Sunday, shall be fined not less than twenty, nor more than fifty dollars, provided



"this article shall not apply to markets or dealers in provisions as to sales of provisions made by them before nine o'clock a. m., nor the sale of burial or shrouding material; provided, the sale of newspapers, ice and milk at any hour in the day shall be permissible; provided further, that nothing in this title shall be construed to prevent the sending or receiving of telegraph messages.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXX.

An Act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of, and appointment of a State Engineer and his secretary, and their salaries and duties; to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the Governor shall appoint, by and with the advice and consent of the Senate, an engineer, experienced in the construction and maintenance of railways, who shall be State Engineer, who shall hold his office for two years, or until his successor is qualified, but shall be subject to removal by the Governor at any time. In case of removal, the Governor may appoint a successor until the meeting of the next Legislature, when said appointment shall be submitted to the Senate for approval.

SEC. 2. The State Engineer shall receive an annual salary of three thousand dollars. In traveling upon the line of any railway in this State, in the discharge of his duties, he shall also be entitled to charge for the actual amount paid out for railway fare and traveling expenses, in no case to exceed four dollars per day in excess of railway fare paid; and should any railway company voluntarily provide said State engineer with free transportation over its line, he shall be authorized to accept the same in behalf of the State, and shall not charge the State the amount which would otherwise be paid for such transportation. He shall, in his report, state the amount paid by him for transportation on each railway line in the State, also what railway lines have provided him with free transportation.

SEC. 3. The office of the State Engineer shall be in the Capitol building in the City of Austin, in rooms to be designated by the Secretary of State. There shall be allowed the State engineer for office furniture, stationery, postage, and other office expenses one thousand dollars per annum. The State Engineer shall employ a secretary, who shall be a competent draftsman, and perform such duties as may be required by the State Engineer. The secretary of the State Engineer shall receive a salary of fifteen hundred dollars per annum. The salary of the State Engineer and his secretary shall be paid monthly from the State Treasury. All vouchers for traveling and office expenses of the State Engineer and his secretary shall be paid monthly from the State Treasury. All vouchers for traveling and office expenses of the State Engineer and his secretary shall be paid upon certified vouchers, approved by the Governor.

SEC. 4. Before entering upon the duties of his office, the State En-

gineer and his secretary each shall subscribe to the following oath, in addition to the usual oath of office: "And I do further swear, (or affirm) that I am not connected, officially or otherwise, with any railroad company or transportation line, either within or outside of this State, and that I am not a stockholder or in any manner interested in any railroad company or transportation line whatever, so help me God."

SEC. 5. The State Engineer shall perform such duties as are now, or may hereafter be prescribed by law, and shall twice in each year, and at such other times as he may deem it necessary, carefully inspect the railroads in this State, and keep himself informed of the condition of the same, and manner in which they are operated, with the special reference to the safety and proper accommodation of the public, which inspection shall include the condition of road bed, track and bridges; character and condition of cars, station houses, platforms and other facilities incident to transportation business. Should such inspection indicate a non-compliance with the law on the part of any railroad, such non-compliance shall be presented in proper and official form to the Attorney General, who shall proceed to investigate and enforce penalty for dereliction, according to existing statutes, or as hereinafter provided.

SEC. 6. The State Engineer shall, on the first day of December of each year, make a report to the Governor of all matters pertaining to his office, and especially report upon the inspection of all the railroads in the State, and he shall incorporate in said report any suggestions he may have to make in regard to changes in existing laws connected with the management and control of railroads in this State. He shall also, whenever required by the Governor, make a special report of the inspection authorized and required under this act of any railroad in this State. That the said Engineer shall prepare and transmit to the next Legislature a complete freight classification and schedule of reasonable maximum rates for freight transportation for each of the railroads operated in this State; and copies of the same shall be furnished to the members of the Nineteenth Legislature thirty days before the meeting of the said Legislature.

SEC. 7. Be it further enacted, that charges for transportation on each class or kind of freight moving in the same direction, shall be uniform, and any unjust discrimination in the rates or charges for the transportation of any freight made against any person or place, on any railroad operated in this State, is declared to be unlawful. If any railroad corporation shall wilfully charge, collect, or receive from any person or persons for the transportation of any freight upon its railroad, a higher or greater rate of toll or compensation than it shall charge, collect, or receive from any other person or persons, for the transportation of the like quantity of freight of the same class, being transported from the same point in the same direction, over equal distances of the same railroad, or if it shall charge, collect, or receive from any person or persons for the use and transportation of any railroad car or cars upon its railroad, a higher or greater sum than it shall charge, collect, or receive from any other person or persons for the use or transportation of a car or cars of the same class for a like purpose, from the same point in the same direction and an equal distance; or if any railroad company shall charge one person more for transporting freight of the same class, in equal or less quantities, over its road, for the same or a less distance, than it charges another for the same or a greater distance, all such discriminating rates, charges or collections,

whether made directly or by means of any rebate, or other shift or evasion, shall be considered and taken as prima facie evidence of extortion and unjust discrimination, which is hereby prohibited and declared unlawful, and any railroad company or companies, for such violation of law, shall forfeit and pay to the person or persons injured thereby the sum of five hundred dollars, to be recovered before any court having jurisdiction of the amount, in any county through, or into which the freight may have been transported. Every railroad company or corporation doing business in this State, shall hereafter be required to keep posted in a conspicuous place, at all depots, a printed or written schedule of its freight charges from its principal office or place of business to all depots on its line or lines of road within this State. Such schedule shall specify the different classes or kinds of freight, with an enumeration of the articles belonging to each class, the charge for each class, per car load, and the charge for each class per hundred pounds in quantities less than car loads. It shall be unlawful for any railroad company to change such freight tariffs without giving five days notice to the public in the manner above required, and it shall be the duty of every railroad company in this State to furnish its station agents with the printed or written notices herein mentioned at least five days before any changes are to take effect. Any railroad company violating any of the provisions of this act shall, for every five days it neglects to furnish the notices herein required to any of its station agents, forfeit the sum of five hundred dollars to the county in which the depot is situated, to be recovered in any court having competent jurisdiction, said amount, when recovered, to be used for road and bridge purposes. It shall be the duty of every station agent of the railroads of this State upon being furnished with the printed or written notices mentioned in the foregoing, to post the same in some conspicuous place in his depot buildings, and keep them posted until the changes proposed take effect. Any station agent failing or refusing to post up said notices within two days after the same shall have been furnished him, or failing to keep the same posted, as herein required, shall be deemed guilty of a misdemeanor, and upon conviction of the same before any court having the proper jurisdiction, shall be fined not less than twenty-five dollars and not more than one hundred dollars. The road of the company shall include all the road in use by such company, whether owned or operated under control or lease; provided that nothing herein contained shall be construed to repeal Article 4257 of the Revised Civil Statutes, prescribing maximum rates, and prohibiting discriminations.

SEC. 8. Where railroads within this State receive goods for transportation into their warehouses or depots, they shall forward them in the order in which they are received: the first received to be the first forwarded, without giving the preference to one over another: and in case of failure to do so they shall be liable for all loss occurring while the goods remain, and for all damage occasioned or in any wise resulting from delay; provided, that the trip or voyage shall be considered as having commenced from the time of the signing of bill of lading, and as having ended upon the arrival of freight at point of destination, and written notices served upon the consignee that it is ready for delivery upon payment of freight and charges. It is further provided, that should the consignee of the goods fail to receive them promptly after such notice is served, the liability of the railroads thereafter shall be the same as that of warehousemen.

SEC. 9. The passenger fare upon all railroads in this State shall be three cents per mile, with an allowance of baggage to each passenger not to exceed one hundred pounds in weight; provided, however, that where the fare is paid to the conductor, the rate shall be four cents per mile, except from stations where no tickets are sold, and that the minimum charge in no case shall be less than twenty-five cents; and provided further, that when the passenger fare does not end in five or naught, the nearest sum so ending shall be the fare; provided, further, that in no case shall children under ten years of age be charged a higher rate of fare than two cents per mile; provided further, railroads shall be required to keep their ticket offices open half an hour prior to the departure of trains, and upon failure to do so they shall not charge more than three cents per mile.

SEC. 10. That direct and prompt remedies may be had, and penalties enforced in case of violation of any laws herein named, it is made the special duty of the Attorney General, whenever information is filed with him by the State Engineer, or any other person, that any railroad company in this State has violated any provisions of the laws of this State, providing for the transportation of passengers or freight, or is unjustly discriminating in its charges for transportation against any person or place in this State, or is guilty of extortion in its charges for transportation against any persons or place in this State, or is guilty of extortion in its charges for transportation of passengers and freight, or for improper condition of road bed, track, bridges, or other structures, cars, station-houses or platforms, to give ten days notice in writing to said corporation of said complaint, and after an investigation of the matter he shall proceed to determine whether the matters complained of are violations of the law, and shall give notice to said company of his decision respecting the same, and if any such violation of the law is continued, after the railroad company is so notified, or if the actual damage is not paid to the party aggrieved, within ten days after such notification, he shall cause proceedings to be instituted against said railroad company or companies, to recover the penalties provided by law; provided, that nothing herein contained shall be construed to prevent any citizen of this State from bringing suit in his own name against any railroad or transportation company for discrimination in freight or passenger charges; provided further, that the penalties prescribed by law for any overcharge shall not be recoverable unless the party aggrieved shall give notice thereof in writing, to the railway company, or to the agent demanding or receiving the same, and said company shall fail within twenty days thereafter, to refund to such party aggrieved, the amount of such overcharge.

SEC. 11. The near approach of the close of the session, and the importance of a law regulating the management and control of railroads in this State, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days should be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 10, 1883.

Takes effect after passage.

## CHAPTER LXXI.

An Act to amend Article 784, of Chapter 15, Title 17, of the Penal Code.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas: That Article 784, of Chapter 15, Title 17, of the Penal Code, be so amended as hereafter to read as follows:

"ARTICLE 784. If any agent of any railroad, steamship, sailing vessel, or shipping company of any kind, shall receive for shipment any horses or cattle, unless such horses or cattle have been duly inspected according to law, he shall be fined not less than twenty-five nor more than one thousand dollars for each animal so unlawfully shipped."

**SEC. 2.** The great necessity for this law, and the near approach of the end of this session of the Legislature, creates an imperative public necessity, and emergency the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXII.

An Act to provide for the permanent endowment, in land or its proceeds, of the University of Texas and its branches, including the branch for the instruction of colored youths: and, also, to provide for an equal endowment for the benefit of the permanent common free schools of this State.

**SECTION 1.** Be it enacted by the Legislature of the State of Texas, That after the payment of the amounts due from the State to the common free school fund, out of the proceeds of the sales heretofore made, or hereafter to be made, of that portion of the public lands set aside for the payment of the public debt, by an act approved July 14th, 1879, and an act amendatory thereof, approved March 11th, 1881, and the payment directed to be made to the common school and university funds by an act approved Feb'y 23d, 1883, the remainder of said land, not to exceed two million of acres, contained in the counties and territory specially mentioned in said acts, or the proceeds thereof, set aside by said acts for the payment of the public debt, heretofore or hereafter to be received by the State, shall one half thereof constitute a permanent endowment fund for the University of Texas and its branches, including the branch for the instruction of colored youths, and one half thereof shall constitute a permanent endowment fund for the common free schools of this State.

**SEC. 2.** The importance of the subject embraced in this act, and the limited time allowed for the consideration of the great accumulation of bills now pending, creates an imperative public emergency for the immediate passage of this act, and the public necessity for the suspension of the rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 10, 1883.

Takes effect after passage.

## CHAPTER LXXIII.

An Act to fix the fees of the Department of State, and require the collection of the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the Department of State shall charge and collect, for the use and benefit of the State, for services rendered in said Department, the following fees, to-wit: For each and every charter, amendment or supplement thereto of a private corporation created for the purpose of operating or constructing a railroad, magnetic telegraph line, or street railway, or express company, authorized or required by law to be recorded in said Department, a fee of one hundred dollars, to be paid when said charter is filed: provided, that if the authorized capital stock of said corporation shall exceed one hundred thousand dollars, it shall be required to pay an additional fee of twenty five dollars for each one hundred thousand dollars authorized capital stock, or fractional part thereof, after the first; for each and every charter, amendment, or supplement thereto, of a private corporation intended for the support of public worship, any benevolent, charitable, educational, missionary, literary or scientific undertaking, the maintenance of a library, the promotion of painting, music, or other fine arts, the encouragement of agriculture and horticulture, the maintenance of public parks, and facilities for skating and other innocent sports, and the maintenance of a public cemetery, a fee of ten dollars, to be paid when the charter is filed; for each and every charter, amendment, or supplement thereto, of a private corporation, created for any other purpose, intended for mutual profit or benefit, a fee of twenty five dollars shall be paid when the said charter is filed for record: provided, that if the authorized capital stock of said corporation shall exceed ten thousand dollars, it shall be required to pay an additional fee of five dollars for each additional ten thousand dollars of its authorized capital stock, or fractional part thereof, after the first: for each commission to every officer, elected or appointed in this State, a fee of one dollar; and each and every officer elected or appointed in this State is required to apply [for] and receive his commission: provided, that the Secretary of State shall not be required to forward copies of laws to, nor attest the authority of, any officer in this State who fails and refuses to take out his commission as required in this act; for every official certificate, a fee of one dollar; for each warrant or requisition, a fee of two dollars; for each remission of fine or forfeiture, one dollar; for copies of any paper, document or record in his office, for each one hundred words fifteen cents.

SEC. 2. All fees mentioned in this act shall be paid in advance into the office of Secretary of State, and shall be by him paid into the State Treasury monthly.

SEC. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

SEC. 4. Whereas a daily loss accrues to the State for the want of a better fee bill in the Department of State, an imperative public necessity and an emergency exists for the immediate passage of this act, and it is enacted that this act take effect and be in force from and after its passage.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXIV.

An Act to establish uniform weights per bushel of wheat, corn and other products of the State.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the following shall be the legal number of pounds per bushel: Wheat sixty pounds; corn, shelled fifty-six pounds, corn in the ear, shucked, seventy pounds; unshucked, in ear seventy two pounds; oats, thirty-two pounds; barley, forty-eight pounds; rye, fifty-six pounds; buck wheat forty-two pounds, white beans sixty pounds; Irish potatoes sixty pounds; sweet potatoes, fifty-five pounds; onions, fifty-seven pounds; turnips fifty-five pounds; dried apples twenty-eight pounds; dried peaches twenty-eight pounds; bran, twenty pounds; Hungarian grass seed, forty-eight pounds; hemp seed forty-four pounds; flax seed fifty six pounds; stone coal, eighty pounds; charcoal, twenty-two pounds; salt, fifty pounds; clover seed, sixty pounds, timothy seed forty-five pounds; cotton seed thirty-two pounds; millett seed, fifty pounds.

SEC. 2. All laws coming in conflict with this act, be and the same are hereby repealed.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXV.

An Act to prevent the adulteration of food, wines, beers, fermented or distilled liquors, and drugs.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That no person shall within this State manufacture, offer for sale, or sell any article of food, wines, beers, fermented or distilled liquors or drugs, which is by him known to be adulterated, within the meaning of this act. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars.

SEC. 2. The term food, as used in this act, shall include every article used for food or drink by man. The term drug, as used in this act, shall include all medicines for internal and external use.

SEC. 3. An article shall be deemed adulterated within the meaning of this act: (a) In the case of drugs—

1. If, when sold, under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

(b.) In the case of food or drinks:—

1. If any substance or substances has or have been mixed with it so as to reduce or lower, or injuriously effect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted, wholly or in part, for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of, or be sold under the name of another article.

5. If it consists, wholly or in part, of a diseased, or decomposed, or putrid, or rotten animal, or vegetable substance, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal.

6. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

7. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it; provided, that the State Health Officer may, with the approval of the Governor, from time to time, declare certain articles or preparations to be exempt from the provisions of this act; and provided further, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food; provided, that the same are not injurious to health, and that the articles are distinctly labeled as a mixture, stating the components of the mixture.

SEC. 4. It shall be the duty of the State Health Officer to prepare and publish from time to time, lists of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with the preceding section. The State Health Officer shall also, from time to time, fix the limits of variability permissible in any article of food, or drug, or compound, the standard of which is not established by any national Pharmacopœia.

SEC. 5. The State Health Officer shall take cognizance of the interests of the public health, as it relates to the sale of food and drugs, and the adulterations of the same, and make all necessary investigations and inquiries relating thereto. He shall also have the supervision of the appointment of public analysts and chemists, and upon his recommendation, whenever he shall deem any such officers incompetent, the appointment of any, and every such officer shall be revoked, and be held to be void and of no effect. Within thirty days after the passage of this act the State Health Officer shall adopt such measures as may seem necessary to facilitate the enforcement of this act, and prepare rules and regulations with regard to the proper method of collecting and examining articles of food or drugs, and for the appointment of the necessary inspectors and analysts, and the said Health Officer shall be authorized to expend an amount not exceeding two thousand dollars, for the purpose of carrying out the provisions of this act; and the sum of two thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose in this section provided.

SEC. 6. Every person selling, or offering, or exposing any article of food or drug for sale, or delivering any article to purchasers, shall be required to serve or supply any public analyst or other agent of the State, or local health officer, appointed under this act, who shall apply to him for that purpose, and on tendering the value of the same, with a sample sufficient for the purpose of analysis of any article which is included in this act, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offense, and one hundred dollars for each subsequent offense.



SEC. 7. Any violations of the provisions of this act shall be treated and punished as a misdemeanor: and whoever shall impede, obstruct, hinder, or otherwise prevent any analyst, inspector or prosecuting officer in the performance of his duty, shall be guilty of a misdemeanor, and shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars.

SEC. 8. Any acts, or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 9. All the regulations and declarations of the State Health Officer, made under this act, from time to time and promulgated, shall be printed for general distribution.

SEC. 10. The near approach of the end of the present session of the Legislature, rendering it improbable that this bill can pass through the regular course of legislation, creates an imperative necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER LXXVI.

An Act to amend Article 1059, Chapter 3, Title 15, of the Code of Criminal Procedure of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 1059 of the Code of Criminal Procedure of this State shall hereafter read as follows:

ARTICLE 1059. It shall be the duty of the Comptroller, upon the receipt of such claim, and said certified copy of the minutes of said court, to closely and carefully examine the same, and, if correct to draw his warrant on the State Treasurer for the amount due, and in favor of the officer entitled to the same; provided, that, if the appropriation for paying such accounts is exhausted, the Comptroller shall file the same away, if correct, and issue a certificate in the name of the officer entitled to the same, stating therein the amount of the claim and character of the services performed. And all such claims or accounts not transmitted to or placed on file in the office of Comptroller of Public Accounts, within twelve months from the date of the final disposition of the case in which the services were rendered, shall be forever barred; provided further, that the owners of the claims or accounts that have been barred by the provisions of this article, requiring the same to be transmitted to or placed on file in the office of the Comptroller of Public Accounts, in six months from the date of the final disposition of the case in which the services were rendered, shall have six months from and after the time this act shall take effect to present said claims; and all claims or accounts so presented shall be taken and considered by the Comptroller as claims presented within the time allowed by law.

Approved April 11, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXVII.

An Act to establish a county brand for the several counties in this State, and to provide for the advertising of all estrays, branded with the county brand, in the counties to which the county brand may belong.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the several counties in this State shall have a brand for horses and cattle, said brand to be known and designated as the "County Brand."

SEC. 2. The county brand of each county in this State shall be as follows:

Anderson.....	A. A.	Colorado .....	C. N.
Andrews... ..	A. N.	Comal.....	C. O.
Angelina.....	A. L.	Comanche.....	C. J.
Aransas .....	A. R.	Concho .....	C. V.
Archer.....	A. H.	Cooke .....	C. U.
Armstrong.....	A. M.	Coryell.....	C. X.
Atascosa .....	A. T.	Cottle.....	C. 2.
Austin .....	A. U.	Crockett .....	C. 3.
Bandera .....	B. A.	Crosby .....	C. 4.
Bastrop.....	B. S.	Dallas .....	D. A.
Bailey.....	B. I.	Dallam .....	D. L.
Baylor .....	B. R.	Dawson .....	D. N.
Bee .....	B. E.	Deaf Smith.....	D. S.
Bell .....	B. L.	Delta .....	D. T.
Bexar .....	B. X.	Denton.....	D. O.
Blanco .....	B. N.	DeWitt .....	D. E.
Borden.....	B. D.	Dickens .....	D. I.
Bosque .....	B.	Dimmitt.....	D. M.
Bowie .....	B. O.	Donley.....	D. N.
Brazoria .....	B. B.	Duval .....	D. D.
Brazos .....	B. Z.	Eastland .....	E. A.
Briscoe.....	B. H.	Edwards .....	E. D.
Brown .....	B. W.	Ellis .....	E. L.
Burleson .....	B. U.	El Paso .....	E. P.
Burnet .....	B. T.	Encinal .....	E. N.
Caldwell.....	C. A.	Erath .....	E. 3.
Calhoun .....	C. H.	Falls .....	F. A.
Callahan .....	C. L.	Fannin .....	F. N.
Cameron.....	C. M.	Fayette.....	F. E.
Camp.....	C. P.	Fisher.....	F. I.
Carson .....	C. R.	Floyd .....	F. L.
Cass .....	C. S.	Fort Bend.....	F. B.
Castro.....	C. T.	Franklin.....	F. K.
Chambers.....	C. B.	Freestone.....	F. R.
Cherokee .....	C. K.	Frio.....	F. O.
Childress .....	C. D.	Galveston.....	G. A.
Clay .....	C. Y.	Gaines.....	G. I.
Cochran .....	C. C.	Garza .....	G. R.
Coleman .....	C. E.	Gillespie .....	G. L.
Collins .....	C. I.	Goliad .....	G. D.
Collingsworth.....	C. W.	Gonzales.....	G. O.

Gray.....	G. Y.	Llano.....	L.
Grayson .....	G. N.	Lubbock .....	L. K.
Greer .....	G.	Lynn.....	L. N.
Gregg.....	G. G.	Madison.....	M. 1.
Grimes .....	G. M.	Marion.....	M. 2.
Guadalupe .....	G. E.	Martin .....	M. 4.
Hale .....	H.	Mason .....	M. N.
Hall .....	H. A.	Matagorda.....	M. R.
Hamilton .....	H. I.	Maverick .....	M. K.
Hansford .....	H. F.	McCulloch .....	M. C.
Hardeman.....	H. N.	McLennan .....	M. L.
Hardin.....	H. D.	McMullen .....	M.
Harris .....	H. S.	Medina .....	M. A.
Harrison .....	H. X.	Menard .....	M. D.
Hartley .....	H. T.	Milam .....	M. I.
Haskell.....	H. 6.	Mitchell.....	M. H.
Hays .....	H. Y.	Montague .....	M. E.
Hemphill.....	H. M.	Montgomery.....	M. M.
Henderson.....	H. E.	Moore .....	M. O.
Hidalgo .....	H. G.	Morris .....	M. S.
Hill .....	H. L.	Motley .....	M. T.
Hockley.....	H. K.	Nacogdoches.....	N. S.
Hood .....	H. O.	Navarro.....	N. A.
Hopkins.....	H. P.	Newton.....	N.
Howard.....	H. R.	Nolan .....	N. O.
Houston.....	H. 4	Nueces.....	N. E.
Hunt.....	H. U.	Ochiltree .....	O. H.
Hutchinson .....	H. H.	Oldham .....	O. O.
Jack.....	J.	Orange.....	O.
Jackson.....	J. A.	Palo Pinto.....	P. P.
Jasper .....	J. P.	Panola .....	P. A.
Jefferson .....	J. E.	Parmer.....	P. R.
Johnson.....	J. H.	Parker .....	P. K.
Jones.....	J. O.	Pecos .....	P.
Karnes.....	K.	Polk .....	P. K.
Kaufman .....	K. A.	Potter .....	P. O.
Kendall.....	K. E.	Presidio.....	P. R.
Kent.....	K. T.	Raines .....	R.
Kerr .....	K. R.	Randall .....	R. A.
Kimble .....	K. I.	Red River.....	R. R.
King.....	K. N.	Refugio.....	R. E.
Kinney.....	K. O.	Roberts .....	R. S.
Knox.....	K. X.	Robertson .....	R. O.
Lamar.....	L. A.	Rockwall.....	R. L.
Lamb .....	L. M.	Runnels .....	R. N.
Lampasas .....	L. P.	Rusk .....	R. K.
La Salle.....	L. S.	Sabine.....	S. B.
Lavaca .....	L. C.	San Augustine.....	S. A.
Lee.....	L. E.	San Jacinto .....	S. J.
Leon.....	L. 4.	San Patricio.....	S. P.
Liberty .....	L. I.	San Saba.....	S. S.
Limestone.....	L. T.	Scurry .....	S.
Lipscomb .....	L. B.	Shackelford .....	S. D.
Live Oak.....	L. O.	Shelby .....	S. H.

Sherman .....	S. N.	Van Zandt .....	V.
Smith .....	S. T.	Victoria .....	V. I.
Somervell .....	S. O.	Walker .....	W. K.
Starr .....	S. R.	Waller .....	W.
Stephens .....	S. E.	Washington .....	W. N.
Stonewall .....	S. L.	Webb .....	W. E.
Swisher .....	S. I.	Wharton .....	W. T.
Tarrant .....	T. A.	Wheeler .....	W. H.
Taylor .....	T.	Wichita .....	W. A.
Terry .....	T. E.	Wilbarger .....	W. R.
Throckmorton .....	T. H.	Williamson .....	W. I.
Titus .....	T. I.	Wilson .....	W. L.
Tom Green .....	T. G.	Wise .....	W. S.
Travis .....	T. S.	Wood .....	W. O.
Trinity .....	T. R.	Yoakum .....	Y.
Tyler .....	T. L.	Young .....	Y. O.
Upshur .....	U. P.	Zapata .....	X.
Uvalde .....	U.	Zavala .....	X. X.

SEC. 3. The owners of all horses and cattle, in addition to their private brand, may place said county brand on all horses and cattle owned by them, and shall be placed upon the neck of all animals so branded.

SEC. 4. Whenever any horses or cattle branded with the county brand are removed to another county, the owners of such stock may counter-brand with said county brand, and a bar under said county brand shall be used and known as the "County brand," and when so counter-branded, the brand of the county in which said stock may be newly located, may be placed on said stock.

SEC. 5. Whenever any person shall stray any animal on which any county brand may be found, it shall be the duty of the county clerk of the county in which said stray may be, to immediately send a notice, containing a full description of said animal, together with the marks and brands, to the county clerk of the county to which the county brand may belong, and it shall be the duty of the county clerk of said county brand to record said notice in a book kept for that purpose, and post the same on the court house door; and it shall further be his duty to ascertain from his record of brands, to whom said animal may belong, and to notify said owner by letter otherwise, and for such services he shall be entitled to a fee of one dollar from said owner, and the county clerk furnishing the notice shall be entitled to a fee of one dollar from said owner.

SEC. 6. Any county clerk who shall fail to send a notice as required in section 5, of this act, the county clerk so failing shall become liable to the original owner of said stray in an amount equal to the value of said stray.

SEC. 7. It shall be the duty of the Secretary of State to furnish a printed list of the county brands, to the county clerks of this State, who shall securely post the same in their office.

SEC. 8. Whereas the near approach to the end of the session of the Legislature, and we now have no laws by which notice can be given to the owners of stray stock in the county of their residence, therefore an emergency exists that requires the constitutional rule requiring bills to be read on three several days be suspended.

Approved April 11, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXVIII.

An Act to amend Article 426 of the Penal Code, as amended March 15th 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That article 426 be so amended as to read hereafter as follows:

ARTICLE 426. It shall hereafter be unlawful for any person to kill, ensnare or trap, or in any way destroy any wild deer in the period of time embraced between the 20th day of January and the first day of August in each year; and any violation of this provision shall be considered a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined in any sum of not less than twenty-five dollars, nor more than fifty dollars together with the costs of suit, which fine shall go to the common school fund, and upon conviction of said offense, as well as those provided against in articles 424 and 425 of this chapter, the person so offending and convicted shall stand committed to jail until such fine and costs are paid; and any butcher, huckster, marketer, carrier or express agent, or any person found in possession of fresh killed venison one day before the above specified open season begins, or ten days after the open season is closed, shall be deemed equally guilty of the violations of the provisions of this article, and liable to the same proceedings and penalties herein provided, or provided in articles 424 and 425.

Whereas, the laws now in force are inadequate for the protection of game in this State, therefore a public necessity exists, and this law shall take effect and be in force from and after its passage.

Approved April 11, 1883.

Takes effect after passage.

## CHAPTER LXXIX.

An Act to amend Chapter XCIII of the Acts of 1881 entitled An Act to amend section 46 of an act to encourage stockraising and to protect stockraisers approved April 22nd 1879, and amended April 4th 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That section 46 of the above recited act shall hereafter read as follows.

SEC. 46. That the counties of Anderson, Austin, Angelina, Bowie, Brazos, Burleson, Bastrop, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Freestone, Falls, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Henderson, Hill, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Liberty, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wise, Wood, Calhoun and Victoria, Wheeler, Oldham, Donley and the unorganized counties attached to Wheeler, Oldham and Donley counties, Hidalgo and Starr are hereby exempted from the operations of this act and the provisions of the same shall in no wise relate or apply to the aforesaid counties—provided that in those counties

bordering on the lines of the State except those bordering on Red River whether organized or unorganized the Governor shall appoint an inspector whose duty it shall be to inspect under the provisions of this act: all stock about to be driven or shipped out of the State or in any other county exempt from the operations of this act where there is a depot or place for the shipment of cattle provided that such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act—and provided further that the counties of Limestone, McLennan, Bell, Calhoun, Navarro, Hood, Houston, Somerville, Bosque, Austin, Jackson, and Victoria shall be exempt from all laws regulating inspections of hides and provided further that the Governor is hereby authorized and required to appoint one inspector of hides and animals for Harris county who shall hold his office until the next general election and until his successor shall be elected and qualified.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXX.

An Act to amend an Act to adopt and establish the Revised Civil Statutes of the State of Texas by adding thereto Article 4420a.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That article 4420a be added to the Revised Civil Statutes as follows:

ARTICLE 4420a. Whenever it is necessary to drain the water from any public road, the overseer shall cut a ditch for that purpose, having due regard to the natural water flow, and with as little injury as possible to the adjacent land owner; provided, that in such cases the commissioners' court shall cause the damages to such premises to be assessed and paid out of the general revenues of the county, and in case of disagreement between the commissioners' court and such owner, the same may be settled by suit as in other cases.

SEC. 2. Whereas there is no law in force conferring on overseers the authority to drain the water from the public roads, and this session of the Legislature is near its close, there is an emergency for the immediate passage of this act and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, which rule is suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect after passage.

## CHAPTER LXXXI.

An Act to amend Article 722, Chapter 8, Title 17 of the Penal Code of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 722, Chapter 8, Title 17 of the Penal Code of said State be and is hereby amended so as to read as follows.

ARTICLE 722. If any person by assault or violence or by putting in fear of life or bodily injury, shall fraudulently take from the person or possession of another any property with intent to appropriate the same to his own use, he shall be punished by confinement in the penitentiary for life or for a term not less than five years; and when the offence is committed by two or more persons acting together, and a fire arm or other deadly weapon is used or exhibited by either of them in the commission of the offence the person or persons so using or exhibiting the fire arm or other deadly weapon, shall be punished by imprisonment in the penitentiary for life or for a term not less than five years.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXXII.

An Act to amend Chapter 4 Title 12 of the Penal Code by adding thereto Articles 403a, 403b, and 403c.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Chapter 2 Title 8 of the Penal Code be amended by adding thereto the following articles to-wit:

ARTICLE 403a. Any person detained at any quarantine station, who shall willfully absent himself without leave of the officer having charge thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction, shall be punished by a fine of not less than ten dollars nor more than one thousand dollars.

ARTICLE 403b. Any health officer, guard or other employee who shall knowingly and wilfully disobey or in any manner knowingly neglect or fail to perform any duty imposed upon him by the provisions of quarantine laws, rules and regulations of this State or who shall disobey knowingly an order emanating from superior authority shall be fined upon conviction by a court of competent jurisdiction in a sum not exceeding one thousand dollars; provided, that in the meaning of this article the Governor and State Health Officer shall alone be deemed superior authority.

ARTICLE 403c. Any person coming from any port or district infected with yellow fever, or any other infectious or contagious disease, who shall knowingly evade any guard or pass through any cordon of quarantine duly established, shall be deemed guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction be punished by fine not exceeding one thousand dollars.

SEC. 2. There being no provision of the Penal Code providing adequate punishment for violations of the quarantine laws, rules or regulations, therefore an imperative public necessity and an emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act should take effect from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXXIII.

An Act to authorize the Commissioner of the General Land Office to issue patents now suspended for want of reports of County Clerks.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office is hereby authorized and required to issue patents to lands that have heretofore been surveyed and returned to the General Land Office and have been suspended because the clerks of the county courts have failed to make reports as required by law, when said Commissioner is satisfied from evidence in his office that such patents should issue.

SEC. 2. Whereas the archives of some counties in this State have been lost or destroyed, and by reason of such loss or destruction, no report can be made by the clerks of said courts as required by law, and whereas the Commissioner of the General Land Office has suspended the issuance of patents for want of such reports, therefore an emergency and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect after passage.

## CHAPTER LXXXIV.

An Act to amend section 7 of an act entitled "An Act to give effect to section 2 article 9 of the Constitution regulating the manner of removing and locating county seats and to provide for the location of county seats in organized counties, where no county seat has been created by existing law," approved April 10th 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That section 7 of an act entitled "An Act to give effect to section 2 article 9 of the Constitution regulating the manner of removing and locating county seats, and to provide for the location of county seats in organized counties where no county seat has been created by existing law" approved April 10th 1879, be so amended so as to read as follows:

SECTION 7. That in the organization of any county or counties now existing or hereafter to be created by the Legislature, it shall be the duty of the county judge holding the election in such new county for county officers thereof, to order an election for the location of a county seat therein, which shall be conducted in the same manner regulating the election of the officers of such new county, and the place receiving a majority of all the votes cast by the electors voting on the location of such county seat, shall thereafter be the county seat of such county, subject to be removed as other county seats: provided, that when any county has been organized and no county seat has been located, the county judge of such county shall order an election for the location of a county seat.

Approved April 12, 1883.

Takes effect ninety days after adjournment.



## CHAPTER LXXXV.

An Act to amend Article 1056, Chapter 2 Title 15 of the Code of Criminal Procedure.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 1056, Chapter 2, Title 15 of the Code of Criminal Procedure, be amended so as to read as follows:

ARTICLE 1056. The clerk of the district court shall receive for each felony case tried in such court by jury, whether the defendant be convicted or acquitted, the sum of ten dollars: for each transcript on appeal ten cents for each one hundred words: for each felony case finally disposed of without trial five dollars: provided, that in felony cases where the fees for the work done by the clerk in any case estimated according to the schedule of fees provided in article 1093 of the Code of Criminal Procedure, shall exceed the amount herein allowed he shall receive one-half the excess to be paid by the State; provided further, that when a felony case is removed from a court by change of venue, the clerk thereof shall receive from the State one half of his fees estimated as aforesaid, for work done in the case before such removal: but in all such cases the clerk shall attach to his account, to form a part thereof, an exhibit setting forth each item charged supported by his affidavit that the same is correct: provided further, that when there are two or more defendants in the same indictment, the entire costs up to the time of trial, shall be distributed among them equally, and in ascertaining the excess only a pro rata share shall be charged against each defendant.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. Whereas the district clerks in this State are now in many instances receiving compensation in felony cases wholly inadequate for the services performed therefore an emergency exists that this act take effect from its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect after passage.

## CHAPTER LXXXVI.

An Act to amend sections one, two and nine of an act entitled An Act to amend an act entitled "An Act creating the office of Public Weigher, and regulating the appointment, and defining the duties and liabilities thereof," approved April 19th, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That sections one, two and nine of the above named act be and the same are hereby so amended that they shall hereafter read as follows:

SECTION 1. That the Governor is hereby authorized and required to appoint five competent persons as Public Weighers in every city which receives annually, over one hundred thousand bales of cotton on sale, or for shipment. In all cities or towns or railroad stations, which receive annually less than one hundred thousand bales of cotton, the county commissioners' courts of the counties in which said cities and towns or railroad stations are situated, should the commissioners' court deem the same

necessary to protect the sellers; may order an election, at which all the qualified voters of the county may vote for one or more Public Weighers, provided, that the county commissioners court, may provide by appointment, for cotton weighers, to hold office until the next general election, and until their successors are qualified, provided that if any election is held under the provisions of this act before the next general election, the terms of office of those so elected, shall expire at the next general election, or so soon thereafter as their successors are elected and qualified; provided that in towns, and at railroad stations outside of county seats, the county commissioners' court may appoint one or more Public Weighers; provided, nothing herein contained shall be construed so as to prevent any other person from weighing cotton, wool or hides when requested so to do by the owner or owners thereof. All Public Weighers shall hold their offices for two years, and until their successors are appointed or elected as the case may be and qualified, subject to removal for misconduct or incompetency in office; provided, that no person shall be appointed a public weigher who is in any wise interested in the purchase or sale of cotton, wool, sugar or hides, received to be weighed, either as principal, agent, factor, commission merchant or employee.

SEC. 2. Section two of said act shall hereafter read as follows:

SECTION 2. Every person so appointed before entering upon the duties of his office shall take and subscribe an oath faithfully and impartially to administer the duties of his office, he shall also execute a bond with good and sufficient sureties in the sum of ten thousand dollars payable to the county judge of the county in which the appointment is made, and his successors in office, conditioned for the faithful performance of his official duties; provided that in cities or towns receiving for sale or shipment less than twenty-five thousand bales of cotton or sacks of wool, the bond of Public Weighers shall be two thousand dollars.

SEC. 3. Section nine of said act shall hereafter read as follows:

SECTION 9. Any Public Weigher who shall violate any of the provisions of this act, or fail to comply with any of such provisions, shall be liable at the suit of any person injured, upon his bond for damages that may have accrued to such person by such violation or failure, and may also be removed from office by the commissioners' court upon satisfactory evidence being furnished of his misconduct or incompetency; provided, that such Public Weigher shall have five days notice to appear before said court and offer testimony in his behalf.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXXVII.

An Act to be entitled An Act to repeal so much of an Act entitled "An Act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa passed at the present session of the Eighteenth Legislature as relates to the county of Houston.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That so much of an Act entitled "An Act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr,

Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa, passed at the present session of the Eighteenth Legislature as relates to the county of Houston, be and same is hereby in all things repealed.

SEC. 2. Whereas the crowded condition of the docket of the district court of said county, and the near approach of the close of this session creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 13, 1883.

Takes effect after passage.

## CHAPTER LXXXVIII.

An Act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan asylum funds.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That all lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan asylum funds may be sold and leased as hereinafter provided.

SEC. 2. There shall be and is hereby created a State Land Board which shall be composed of the Governor, Attorney General, Comptroller, Treasurer and Commissioner of the General Land Office, who shall exercise the powers and perform the duties hereinafter prescribed.

SEC. 3. The said State Land Board shall, under such regulations as they may prescribe, cause the said land to be classified into agricultural, pasture and timber lands and ascertain which tracts have permanent water on them, or bordering on them and cause a tabulated statement of the land in each county to be made, showing the number of the survey, block, quantity in each survey name of company or individual to whom the certificate was granted, the value of the improvements and the owner and such other descriptions and information as may be deemed necessary, and a permanent record thereof shall be made and preserved in the General Land Office, and a copy of such record relating to a county shall be forwarded to the surveyor of such county or land district in which the land is situated; but nothing herein shall be construed to require any further classification of such of said lands as have already been classified, unless the State Land Board shall believe that the same is necessary to ascertain the true value or class of such land.

SEC. 4. Said land shall, in no case be sold for less than two dollars per acre for surveys of land without water on them or bordering on them, nor for less than three dollars per acre for land with permanent water on them or bordering on them, nor less than five dollars per acre for land having timber thereon suitable for lumber, nor for less than two dollars per acre for land having timber thereon not suitable for lumber and classed as timbered lands.

SEC. 5. Any actual settler upon any land included in this act who is now and was an actual settler in good faith on the first day of Janu-

ary A. D. 1883, shall have the right, for a period of six months from the time the land shall be placed upon the market for sale, to purchase not less than one hundred and sixty acres nor more than six hundred and forty acres of the land so settled upon, at the minimum price fixed by this act, and on the terms and rate of interest fixed by this act; provided, however, that any actual settler in good faith upon any lands in any county which have been appraised by the proper surveyor, and such appraisement has been approved by the commissioners' court of the proper county, in accordance with the provisions of sections two and three of the act approved April 6, A. D. 1881, concerning the sale of alternate sections of school lands in organized and unorganized counties of this State, and such appraisement has been filed in the General Land Office, but which lands have or have not been placed upon the market under such appraisement, shall be permitted to purchase not less than one hundred and sixty acres (unless there is a fraction of less than one hundred and sixty acres now existing) nor more than six hundred and forty acres of the land upon which they have settled (to include their improvements), at the price per acre fixed by such appraisement; but shall be required to pay the rate of eight per cent interest, as fixed by said act of April 6 A. D. 1881, and shall be permitted to pay all or any part of the purchase money thereof at any time. Such purchaser shall, in all other respects, conform to the provisions of this act; provided, however, that any such person desiring to purchase any of said lands so appraised, shall within six months from the time this act takes effect, file in the General Land Office his application to purchase said land describing it, and on payment of one thirtieth of the purchase money and one year's interest, and forwarding his affidavit stating that he is and was, on the first day of January, A. D. 1883, an actual settler in good faith upon said land, and that he settled on it with a view to purchase it, together with the affidavit of at least two credible citizens of his county showing that such applicant is and was a settler in good faith upon said land; provided, however, that such land having timber thereon suitable for lumber or shingles, and chiefly valuable on that account, shall be sold for cash only, and may be purchased in quantities of not less than eighty acres nor more than three hundred and twenty acres; and provided further that other timbered lands may be purchased at two dollars per acre; and provided further, that no preference in the right of purchase given by this or any other section of this bill shall extend to or include any minerals, but the same shall remain the property of the respective funds to which said lands belong.

SEC. 6. The lands, when placed upon the market, shall be sold in the county or land district in which it is situated, by such authority and under such system of competition as may be prescribed by said Land Board; provided, that no person, either in person or by an agent, shall purchase from the State more than one section of land classed as agricultural land, or as watered land, and seven sections of unwatered pasture land; provided, the board may, in their discretion, require the purchaser of any particular section of watered pasture land to take with the same such a number of dry sections as they may designate, not to exceed seven sections: and every attempt to evade the limitation of this act as to the amount or class of land one may purchase, by any device whatever, shall be deemed fraudulent, and the fraud may be shown and the purchase cancelled by the State within one year from the date of sale; provided, that the agricultural lands shall be sold only to actual settlers: and provided further,

that no person shall be permitted to purchase more than three sections of six hundred and forty acres within five miles of the geographical centre of any county. No corporation shall be permitted to acquire title to more than one section of land in any one county.

SEC. 7. Until otherwise prescribed by the board, the land shall be placed upon the market in the following manner: when the tabulated statement shall have been forwarded to the surveyor of the county or land district and the board shall have designated some one to represent the State in the disposition of the land in such county or land district and notice of such facts shall under direction of the board, have been published in not more than three newspapers of the State, and shall have been published under the direction of the person authorized to sell, for thirty days in the section where the land is situated, the lands of such county or land district shall be considered upon the market for sale, and the person designated to represent the State shall receive bids for the same.

SEC. 8. The person desiring to purchase any of said lands shall file his application with the person authorized to sell, designating the particular section, or tract less than a section, which he desires to purchase and accompany it with a sufficient sum of money to pay for advertising the bid in such manner as may be prescribed by the board, and on the first Tuesday of the month designated in the advertisement, and after at least twenty days notice, the person having authority shall sell the same to the highest and best bidder, at the court house of the county in which it is situated if in an organized county or if an unorganized county at the court house door of the county to which it is attached for surveying purposes. The application shall be considered the first bid unless raised before offered at public outcry, and any one desiring to raise the bid may do so by notifying the seller in writing at any time before it is put up at public outcry or orally at the public auction. No bid shall be received at a less sum than the minimum price fixed by law, nor shall any fraction of less than one hundred and sixty acres be left by such sale, nor shall any fraction of less than three hundred and twenty acres be divided: nor shall such section be divided into other than half a quarter section. Should the person advancing the sum of money for advertising the bid as above provided, not become the purchaser of the land bid for, said money shall be returned to him and collected from the purchaser: provided that no sale of agricultural land shall be perfected until the proposed purchaser files an affidavit that he intends that the land shall be actually settled within six months: and in case of failure to settle the same within that time, the proposed purchaser shall forfeit the money already paid on the land.

SEC. 9. The purchaser shall at once pay to the person selling for the State, or to the State Treasurer, as the board may determine, and within such time as it may fix one-thirtieth of the amount bid, and execute his obligation for the remainder of the purchase money, payable to the State of Texas, and binding the purchaser to pay one-thirtieth of the whole price on the first day of each succeeding year until the whole is paid, and interest at the rate of five per cent per annum on the whole unpaid purchase money from date, payable annually on or before the first of March of each year; and, provided, that after the expiration of seven years, the purchaser shall have the option to pay the unpaid principal, and providing that a failure to pay the annual installments of principal shall not work a forfeiture until the whole sum is due; provided, that upon

proof of actual occupancy, use and improvements for three consecutive years, the purchaser shall be permitted to pay all of the purchase money remaining unpaid: provided further, that any person acting as agent or attorney for another in the purchase of any of said lands shall file with the person authorized to sell a legally executed power of attorney from his principal, or other instrument of writing from a court of competent authority to invest him with powers to consummate a contract.

SEC. 10. If upon the first day of March of any year the interest due remains unpaid the custodian of the obligation of the purchaser shall endorse on it "lands forfeited," and the account kept with the purchaser shall show such failure to pay and such forfeiture; the failure to pay the interest shall ipso facto work a forfeiture and the entry on the account shall be evidence of the fact, and there shall be no necessity for judicial ascertainment of the facts of the forfeiture: and no defaulting purchaser or those claiming under him, shall evade or avoid the effect of such forfeiture at once by reason of any statute or law, which for coverture infancy or the like would otherwise give them additional time for payments or action, except as follows: Should any purchaser die, the representative or heirs of the deceased shall have one year within which to pay the interest due on the first of March next after such death.

SEC. 11. The person authorized to make sales shall receive such obligations for the State and account for the money and notes received by him at such times and in such manner as may be prescribed by the board.

SEC. 12. That in case any purchaser desires to sell the land purchased by him, he may do so after his first payment and in case of such sale, his vendee shall file in the office of the custodian of the original obligation of his vendor, a properly authenticated transfer signed by said vendor and vendee, duly acknowledged and recorded, in the proper county, and said vendee shall thereby assume the obligation and be liable to the penalties imposed upon the original purchaser, and said original purchaser shall thereby be relieved from any further liability upon his obligation.

SEC. 13. Upon payment of all the purchase money and interest upon notes given for the land under this act the Commissioner of the General Land Office shall issue a patent to the purchaser, or his assigns, or heirs, upon payment of the fees prescribed by law; provided, that no patent so issued shall include more than six hundred and forty acres, nor shall it contain portions of any other sections, provided further, that no patent shall issue to agricultural lands until proof of actual settlement shall be made in such manner as may be prescribed by the board.

SEC. 14. The minerals on all lands sold or leased under this act are reserved by the State for the use of the fund to which the land now belongs.

SEC. 15. The said Land Board shall cause the timber on the school land suitable for lumber or shingles to be sold at not less than five dollars per acre, cash, no less than six hundred and forty acres shall be included in one sale. The purchaser shall be required to remove the timber sold within a specified time, not exceeding four years. The board shall appoint such agents and make such regulations relating to the sale of said timber as may be necessary, in their judgment, to effect the object herein sought. Land which has on it timber suitable for lumber and shingles shall not be sold except to actual settlers and at a price not less than five dollars per acre under such regulations as the board may prescribe in tracts of not less than one hundred and sixty acres nor more than six hundred and forty acres, the Land Board shall in every sale of

timber or timbered land where the timber is suitable for lumber or shingles, make such provision in the sale as will protect the timber from trespass on adjacent land embraced by this act not sold; provided, that if any purchaser of said timbered land, before final and full payment, shall cut, sell or destroy or permit any one else to cut or destroy any more timber than is necessary in clearing and improving said lands, and for firewood and building purposes, he shall forfeit all claim to said land, and in case of any violation of this provision of this act it shall be the duty of the proper district or county attorney to institute suit in the district court of the county in which the land is situated in the name of the State, against any such purchaser, to have such forfeiture duly adjudged and executed and a judgment entered for the State for such damages as may be established on the trial of said cause.

SEC. 16. Pasture lands or agricultural lands not timbered, may be leased in suitable quantities for stock and ranche purposes for not less than four cents per acre per annum and for periods not exceeding ten years, by such agents and under such regulations as the board may prescribe. The regulations shall provide for competition. Leases shall be made in the localities where the land is situated. Where there is an application for both sale and lease the sale shall have the preference.

SEC. 17. All lands leased shall remain subject to purchase for actual settlement in bodies not to exceed six hundred and forty acres; but before said purchaser shall be permitted to buy leased land he shall swear that he intends to actually settle on it and until he does actually settle, build and fence thereon the lessee shall remain in possession; provided, that when the lessee has but one watered section leased from the State in the same vicinity, such section shall not be subject to sale and settlement during the term of the lease; and provided further, that when a sale is made of leased land then the lessee shall be entitled to have a pro rata of any rent which he shall have paid in advance, refunded him by the Treasurer of the State upon warrant drawn by the Comptroller by order of the Land Board; provided, that no enclosure bordering on, along or across any stream of water shall be of a width of more than four miles and a space of at least forty yards shall be left open between all such enclosures.

SEC. 18. The said Land Board shall have the power to employ and discharge such persons as may be necessary to enable them to cause this act to be efficiently executed, and fix their compensation and may delegate to them such powers as may be necessary to enable them to aid in carrying out the provisions of this act. The expenses of selling and leasing the School, University or the Lunatic, Blind, Deaf and Dumb or Orphan Asylum lands shall be paid out of the proceeds of the sales and leases, except that paid by the purchaser under such regulations as the said board may prescribe.

SEC. 19. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 20. The fact that there is no law authorizing the sale and lease of the land herein for a sufficient price under fair competition, and the fact this measure may fail, if it is delayed to come up in regular order, creates an imperative public necessity and emergency that the rule requiring this bill to be read on three several days be suspended; and that this act shall take effect from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

## CHAPTER LXXXIX.

An Act to amend Article 787, Title 23, of the Revised Civil Statutes of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 787, Title 23, of the Revised Civil Statutes of the State of Texas shall hereafter read as follows:

GILLESPIE CO.

ARTICLE 787. Beginning at a point on the dividing line between the old counties of Bexar and Travis, lying eighteen thousand varas (18,000) south seventeen degrees west, from where said line crosses the Pedernales river; thence due north with the line of Blanco county to the south line of Llano county, being a line running due west from a point five miles due south of the mouth of Sandy creek; thence due west with said line and the south line of Mason co. seventy-seven thousand varas; thence due south to a point lying due west from the beginning; thence due east seventy-seven thousand varas to the beginning.

SEC. 2. The near approach of the close of the present session of the Legislature, and the fact that under the existing law the courts of Gillespie county outside of the limits of said county, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby so suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 13, 1883.

Takes effect from passage.

## CHAPTER XC.

An Act to amend an act to prescribe the times of holding the District Courts in the ninth judicial district, approved April 9th, A. D. 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the District Courts of the counties embraced in the ninth judicial district of the State of Texas shall be hereafter held as follows: In the county of Robertson on the first Monday in January and the first Monday in June, and may continue in session eight weeks: In the county of Brazos on the first Mondays in March and September, and may continue in session six weeks: In the county of Milam on the third Monday in April and may continue in session six weeks, and on the third Monday in October and may continue in session seven weeks.

SEC. 2. The near approach of the close of the session creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is suspended, and the accumulation of business on the docket of the District Court of Milam county creates an emergency that this bill take effect and be in force from and after its passage and it is so enacted.

Approved April 13, 1883.

Takes effect after passage.



## CHAPTER XCI.

An Act to amend Article 1639 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 1639 of said Revised Civil Statutes be, and the same is, hereby amended so that it shall hereafter read as follows, to-wit:

"ARTICLE 1639. The party appealing, his agent or attorney, shall, within ten days from the date of the judgment, file with the justice a bond, with two or more good and sufficient sureties, to be approved by the justice, in double the amount of the judgment, payable to the appellee, conditioned that the appellant shall prosecute his appeal to effect, and shall pay off and satisfy the judgment which may be rendered against him on such appeal. When such bond has been filed with the justice the appeal shall be held to be thereby perfected: but if, upon the call of the docket upon appearance day in the court, to which the appeal is taken, the appellee fails to appear in person, or by attorney, the case shall be continued, unless it is shown to the court that notice of the appeal has been given as hereinafter provided; and no judgment by default shall at any time be rendered against an appellee whose appearance has not been entered in the case, unless and until it is made to appear to the court that notice in writing of such appeal has been served upon the appellee, his agent or attorney, at least five days before the first day of the term at which such judgment by default is sought to be taken. Such notice may be signed by the clerk of the court, or by the appellant, his agent or attorney, and may be served by the sheriff or any constable of the county, or by any other person competent to make oath of the fact; and the service shall be made by the delivery of a copy thereof to the appellee, his agent or attorney: and such service shall be evidenced by the return thereon of the officer executing the same, or by the oath of such other competent person indorsed thereon and filed with the papers in the case."

Approved April 13, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XCII.

An Act to restore to and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State and to conform the jurisdiction of the district court of said county to such change.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the county court of Titus county shall hereafter have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars, and said court shall also have appellate jurisdiction in criminal cases of which justices of the peace, and other inferior tribunals, of said county have original jurisdiction.

SEC. 2. Said county court shall have jurisdiction in the forfeiture and

judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said court has jurisdiction, and shall have power to issue all writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of *habeas corpus* in all cases in which the Constitution has not conferred the power on the district courts or the judges thereof.

SEC. 3. The district court of said county of Titus shall no longer have jurisdiction of cases of which the county court of said county, by the provisions of this act, has original or appellate jurisdiction. And it shall be the duty of the district clerk of said county, within twenty days after the passage of this act, to make a full and complete transcript of all orders on the docket of the said district court, in cases now pending before said district court, of which cases, by the terms of this act, exclusive jurisdiction is given to the county court, and to deliver said transcript, together with the original papers and a certified bill of costs in each case to the county clerk of said county, and said county clerk shall enter said cases on his docket for trial by said county court.

SEC. 4. The county court of said county shall hereafter hold its regular terms for criminal business as provided in the Constitution and general laws of the State, and all process heretofore issued from the district court of said county in cases to be transferred under this act, to the county court shall be returnable to the first term of the proper county court, and all cases so transferred shall be entered upon the docket of the said county court.

SEC. 5. That the short period of time now remaining before the expiration of the present session of the Eighteenth Legislature creates the necessity for suspending the constitutional rule requiring all bills to be read on three several days in each house, such rule is accordingly suspended, that this bill may be read a third time and placed upon its final passage, and it is hereby so enacted.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XCIII.

An Act to amend an act amendatory of Title 83 and of the supplement thereto of the Revised Civil Statutes approved February 28, 1883.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 4090i of the Revised Civil Statutes be so amended as to hereafter read as follows:

ARTICLE 4090i. All the costs and expenses of enforcing and maintaining the general quarantine, or such as are ordered by the Governor or State Health officer, shall be paid out of the fund appropriated for quarantine purposes. All regular quarantine officers shall be appointed and commissioned by the Governor of the State, and all health authorities of the State or of any county or city thereof, shall obey the rules and regulations prescribed by the Governor or State Health officer. The regular officer in charge of regularly established quarantine stations on the coast, shall be allowed ten dollars per day while on duty; temporary officers or those commissioned by the Governor to guard against threatened epidemics, or those temporarily assigned to duty by the Health

Officer of the State, under the provisions of Article 4090 of this Title, shall be allowed and paid five dollars per day, and such other pay for extra expenses actually incurred, as may be deemed just by the Governor and State Health officer. All quarantine officers whether of towns, cities, counties, or State, shall be authorized to administer oaths to any person or persons suspected of violating any quarantine regulations, and any person or persons swearing falsely shall be punished according to the provisions of the Penal Code.

SEC. 2. The near approach of the close of the session of the Legislature and the importance of an efficient quarantine service, creates an emergency and public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XCIV.

An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the Government, from March 1st, 1882, to February 28th, 1883; being for payment for claims registered in the Comptroller's Office, in accordance with law, and for outstanding claims not registered, and other deficiencies.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for deficiencies in the appropriations heretofore made, for payment of expenses in support of the Government from March 1st, 1882, to February 28th, 1883; being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies:

### DEFICIENCY FOR QUARANTINE SERVICES.

To pay citizens of, or the counties of Hidalgo, Starr, Cameron, Orange, Matagorda, Brazoria, Aransas and other counties and Pass Caballo and Brazos Santiago, for quarantine services, when approved by competent authority.....	\$18,759 53
To pay J. L. Daugherty for feeding detained prisoners under quarantine.....	281 40
To pay M. A. Earl, a guard at quarantine station at Texarkana, Texas for the month of October A. D. 1879.....	30 00
To pay Christian Hess.....	32 62
To pay Duval county.....	219 50
To pay Nueces county.....	1,504 11

### TO PAY THE PUBLIC DEBT OF THE REPUBLIC OF TEXAS.

Geo. L. Hannisucker.....	\$99 00
Isaac N. Mitchell.....	15 75
Benjamin Cage.....	29 25

Thomas Cooper.....	\$104 25
W. W. Stuart.....	47 25
Thomas Newcomb.....	31 50
P. M. Bull.....	50 00
Mrs. John Clark.....	54 00
Alfred Swingla (balance due).....	30 00
H. Jourmay.....	29 25
Ed Mallock.....	24 00
James Stribling.....	31 50
William Hemphill (heirs).....	35 00
John O. Barr.....	14 00
Thos. W. Hunt.....	15 75
To pay claims for services rendered for frontier defense, or as Texas soldiers prior to January 28th, 1861, the sum of	5,000 00

## DEFICIENCIES FOR THE JUDICIARY SERVICE.

W. H. Andrews, special judge, Hunt county.....	\$124 61
J. H. Henderson " " Cass ".....	27 36
Wharton Branch " " Jefferson ".....	41 04
G. W. Pasco special judge Grayson county.....	20 52
T. L. Nugent, district judge of the 30th judicial district, for three days' services as district judge, on February 26, 27 and 28, 1879.....	20 50
To pay special judges not named.....	800 00
" " deficiency in lights and fuel for Supreme Court being amount of surplus in appropriation for Court of Commissioners of Appeals.....	126 06
" " salaries of district attorneys for the year ending Feb- ruary 28, 1883.....	1,500 00
" " porter hire for Commissioners of Appeals at Galves- ton.....	30 00
For Court of Appeals at Austin, books and stationery.....	159 80
" expenses of suit relating to title to certain land con- nected with the A. and M. College now pending in the Supreme Court.....	800 00

## DEFICIENCIES FOR STATE OFFICERS AND CLERKS' SALARIES.

John S. Ford, Superintendent Deaf and Dumb Asylum.....	\$300 00
W. W. Searcy, executive clerk.....	675 00
W. M. Milby, " ".....	20 92
J. W. Swindells, " ".....	602 82
J. H. McLeary, salary Attorney General Jan 1 1883, to Jan 10, 1883.....	55 55
W. E. Saunders, Lunatic Asylum, balance of salary for year ending Feby 28, 1881.....	373 33
To pay six temporary clerks in General Land Office.....	1,350 00
" " O. M. Roberts, jr.....	1,190 06
" " H. L. Spain.....	1161 67
" " W. A. Wortham, salary as Commissioner for apprais- ing school timber lands.....	166 65
" reimburse A. Bledsoe, for amount expended by him in defending the mandamus suit against him in the In-	

ternational Railroad cases, or to his heirs or legal representatives upon satisfactory proof being made to the Comptroller, that the amount allowed has been expended.....	\$1000 00
For S. N. Pickens, for services as Inspector and Guard for the East Texas Penitentiary, from Jan. 14, 1879, to April 7, 1879, in full payment .....	207 50

## DEFICIENCIES FOR PAYMENT OF TROOPS IN SUPPRESSING RIOTS.

Calvert City Guards.....	\$39 00
Orange Rifles.....	160 00
San Bernard Mounted Rifles.....	36 00
Coke Guards.....	170 00
Texas and Pacific Railroad, transportation.....	150 80
Lamar Rifles.....	224 20

## DEFICIENCIES IN SHERIFFS' CLAIMS.

To pay T. J. Hamm, sheriff of Van Zandt county, for conveying a felony convict from said county to the penitentiary, and not paid for, upon proof that said convict was conveyed and delivered, and not paid for.....	\$147 00
For H. C. Denny, in payment of claim of J. M. Kiser, sheriff of Bell county, for conveying convicts to the penitentiary from said county.....	101 50
To pay costs to sheriffs, clerks and attorneys in district courts, on file with Comptroller.....	15,000 00
“ “ Wm. Scanlon, sheriff of Cameron county, for carrying prisoners to the penitentiary.....	800 00
“ “ Wm. Scanlon, sheriff of Cameron county, expenses for capture of R. A. Blanford.....	358 00
“ “ J. B. C. Harkness, sheriff of Frio county, for conveying prisoners to penitentiary in 1879.....	189 20
“ “ W. M. King, sheriff of Jack county, for conveying prisoners to penitentiary in 1881.....	235 40
“ “ C. C. Dupree, sheriff of Franklin county, for conveying prisoners to penitentiary in 1881.....	80 00
“ “ W. E. Crosby, for fees due him for conveying prisoner, Bob Whitcher, from Red River to Wise county, on a charge of murder.....	83 00
“ “ James W. Cobb the reward offered by the Governor for the capture of J. E. Bland, in 1879.....	100 00
“ “ James H. Wren, ex-sheriff of Hays county, for services performed in felony cases, as approved by L. W. Moore, judge of the fifteenth judicial district, on September 22, 1880, to be audited by the Comptroller the same as if not barred by limitation....	106 70
“ “ Henry Fleming, ex-sheriff of Wheeler county, for conveying Ed. Hart (a convict) from Mobeetie in Wheeler county to the penitentiary at Huntsville in Walker county, a distance of 770 miles, the contractors having refused to come for the said convict, these services performed in 1882.....	216 00

To pay George Wolf, sheriff of Lampasas county, for conveying convicts in 1881 to penitentiary at Huntsville,	\$290 00
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## ASYLUMS.

To pay deficiency for the Lunatic Asylum for supplies for year ending February 28, 1883.....	\$2680 18
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## BLIND ASYLUM

For balance of salary due Dr. Rainey, for year from March 1st 1879, to February 28th 1880.....	\$200 00
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## DEAF AND DUMB ASYLUM.

To pay deficiency for Deaf and Dumb Asylum for supplies for year ending February 28, 1883.....	\$2596 98
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## MISCELLANEOUS.

To pay Loving & Maxwell for labor, lumber and glazing Capitol building.....	\$35 60
“ “ J. S. Pickel for removing records, safes, furniture etc, of the Comptroller's Office to the Temporary Capitol .....	148 19
“ “ Contingent expenses necessitated by removal of the books, safes and furniture of the Comptroller's Office to the Temporary Capitol.....	60 00
“ “ D. W. Jones for furniture for Executive Mansion, in 1878 .....	67 45
“ “ Mrs. Sydney L. Cole her pension as the widow of David Cole, for years of 1870 to 1876.....	300 00
“ “ Balance due members of Capt. L. L. Fackett's Company of minute men, organized Oct. 20th, 1865, by the Chief Justice of Parker county under act for frontier defense, approved Feby 7, 1881, viz:	
A. J. Caldwell.....	4 37
N. F. Nunn.....	17 43
G. R. Patton.....	78 44
“ “ Mrs. Julia M. Barner, widow of Eli Barner, amount paid by her husband through error for purchase money for a certain tract of land, known as the Alexander survey, situated in Harrison county, Texas, and escheated to the State, by order of the District Court of said county.....	116 02
To refund Abraham Howard money paid into the General Land Office by virtue of an act passed March 25, 1881, authorizing the refunding of moneys wrongfully paid into the General Land Office under the acts of August 26, 1856, and November 28, 1857, for the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, which land he failed to obtain.....	80 00

To pay Anthony Deffenbaugh, Frank W. Johnson and W. L. Hunter, members of the Veteran Board, appointed under act of 1881, (claimants to file relinquishment of all claims for said service heretofore rendered, prior to receiving the benefit of this act), to be approved by the Governor .....	\$1424 50
" " John N. Lyle, for services as codifier of Revised Statutes, from July 22, 1879, to Oct. 10, 1879, at \$208.33 $\frac{1}{3}$ per month, for two months and eighteen days .....	541 40
" " James B. Smith for extra work on temporary Capitol .....	4,412 10
" " James B. Smith on the original contract for building the new Capitol .....	300 00
" " Gilbert Book Company, when the balance of books are delivered in compliance with act of May 6, 1882, 4115 copies yet to be delivered, at the rate of \$3.00 per copy .....	12,345 00
For balance due on public printing done during the year ending February 28, 1883 .....	300 00
" deficiency in support for State students at Agricultural and Mechanical College, to end of present session, June, 1883 .....	6,000 00
" M. H. McLaurin, sixteen days salary in January, 1883, as superintendent of construction of temporary State Capitol at \$5.00 per day by order of the Capitol Board (approved by John Ireland, Governor and President of the Capitol Board) .....	80 00
To pay Thomas Goggan balance due on piano for Governor's mansion bought in the year 1872, in full payment and satisfaction .....	325 00
" " Wm. Brueggerhoff rent of rooms, used by State officers, under control of the several Departments ....	818 00
" " Tom Murrah, agent for owner, for rent of building on Pecan street for Comptroller's office, and also for Treasurer's office, as per contract .....	170 00
" " Geo H. Ragsdale, for surveying certain University lands in Cooke county, 1874, and 1875, this amount to be paid out of the available University fund ....	400 00
" " Galveston News for printing notices for Commissioners of Appeals, \$12.45 and Asylums \$85.80 ....	98 25
" " M. T. Thompson, for rent .....	38 00
" " A. W. Reilly for publishing citation in escheat suit in Van Zandt county .....	40 95
To pay teachers and inspectors of public free schools for services rendered prior to July 1, 1873, said claims to be audited by the Comptroller in accordance with the laws under which said services were rendered, and acts on the subject, approved respectively on April 27, 1874, and July 6, 1876, the said Comptroller to determine in all cases from information he may regard as reliable, if said claims are honest and proper, notwithstanding they may be proved up or established as provided in said acts, and this appropriation to be only for the unexhausted surplus	

of the appropriation by the Seventeenth Legislature; and the Comptroller shall have power to reject all such claims as he may find fraudulent, and said rejection shall forever bar the same; and all rejections by previous Comptrollers shall remain and not be revived by this appropriation. Should this amount be found insufficient to pay the claims audited by the Comptroller, he shall pro rata the same among said audited claims; *provided*, that no claims not heretofore established or proved up under the laws under which the services were rendered or under one of said acts, shall be audited hereunder, and no claim shall be audited, unless the same is filed in the Comptroller's office within six months within the passage of this act. All claims not so filed within six months shall be forever barred..... \$15,000 00

Due Burnett & Kilpatrick, as lessees of the State Penitentiary, being excess in value of property turned over by them to the State..... 440 80

SEC. 2. That whereas, the near approach of the close of the session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and the fact that there is ample money in the Treasury to pay these deficiencies, creates an emergency that requires this act to take effect and be in force from and after its passage, and it is therefore enacted that the constitutional rule be suspended, and that this act take effect from and after its passage.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XCV.

An Act to amend Article 575, Chapter 3, Title 20 of the Revised Statutes of the State of Texas, by adding thereto Section 9.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That another section, to be numbered "Section 9," be added to Article 575 of the Revised Statutes of Texas, to read as follows, to-wit:

SECTION 9. Any private corporation created either by special act of the Legislature, or under the provisions of the general law, for the support of any benevolent, charitable, educational or missionary undertaking, the support of any literary or scientific undertaking, the maintenance of a library, or the promotion of painting, music or other fine arts, whose charter may expire or may have expired by limitation may revive such charter with all the privileges and immunities and rights of property, real and personal, exercised and held by it at the date of the expiration of its said charter, by filing, with the consent of a majority of its stockholders, a new charter under the provision of the general law of the State of Texas, reciting therein such original privileges and immunities and rights of property, and by filing therewith a certified copy of such original forfeited charter: and any two or more of such corporations may revive and consolidate their charters under a new corporate name or un-



der the name of either, with all the privileges, immunities and rights of property, real and personal, enjoyed by each at the date of the expiration of their several charters, by, in like manner filing a charter, which shall recite the fact of consolidation, accompanied by certified copies of said original charters: provided this act shall not be construed to relieve any corporation from the payment of occupation taxes now or hereafter required by law.

The foregoing act was presented to the Governor of Texas for his approval on 2nd day of April A. D. 1883, and was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

\*Takes effect ninety days after adjournment.

## CHAPTER XCVI.

An Act to amend Title 17 Chapter 10 of the Revised Statutes of the State of Texas by adding thereto Articles 503a and 503b.

SECTION 1. Be it enacted by the Legislature of the State of Texas That Title 17 Chapter 10 be amended by adding thereto the following articles to be known as articles 503a and 503b.

ARTICLE 503a. Whenever fifty qualified voters of any territory within the limits of any incorporated town shall sign and present a petition to the mayor of such city praying that such territory, setting the same out by metes and bounds be declared no longer a part of such town, it shall be the duty of the mayor thereof to order an election within thirty days thereafter to be holden at the different voting precincts of said town: and if a majority of the legal voters of said town voting at such election, cast their votes in favor of discontinuing said territory as a part of said town the mayor of said city shall declare such territory no longer a part of said city and shall enter an order to that effect on the minutes or records of the city council, and from and after the date of such order said territory shall cease to be a part of said town: provided no city or town shall thus be reduced to a less area than one square mile or one mile in diameter around the centre of the original corporate limits.

ARTICLE 503b. Whenever any territory shall withdraw as above provided and such city or town shall at the time of such withdrawal owe any debts by bond or otherwise, such withdrawing territory shall not be released from the payment of its pro rata of such indebtedness, but it shall be the duty of said city council to continue to levy an ad valorem tax each year on the property of said territory of the same rate as is levied upon other property of such city until the taxes collected from said territory shall equal its pro rata share of the indebtedness of said city or town at the time of the withdrawal. The taxes so collected shall be charged only with the cost of levying and collecting the same, and the same shall be applied exclusively to the payment of said pro rata share of indebtedness. Nothing herein shall be construed to prevent the inhabitants of said territory from paying in full at any time their pro rata share of the indebtedness of said city.

SEC. 2. The near approach of the close of the session of the Legisla-

ture and the importance of permitting towns to diminish their limits, creates an emergency and public necessity that the constitutional rule, requiring bills to be read on three several days be suspended and it is hereby suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

## CHAPTER XCVII.

An Act to provide for the disposition of the minerals in the Public School, University, Asylum and Public Lands of the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That all minerals in the Public School, University, Asylum and public lands of the State of Texas be and the same are reserved from the operation of the laws for the sale of such lands and shall be used and disposed of for the benefit of the respective funds for which said lands are now set apart as hereinafter prescribed.

SEC. 2. The State Land Board shall have the control and management of the disposition and use of said minerals and shall provide such rules and regulations therefor as to them may seem best within the provisions of this act.

SEC. 3. When a prospector or miner shall discover upon any of said lands any mine of coal, iron, tin, copper, lead, silver or gold he shall immediately stake the same in its apparent extent not to exceed in size three hundred feet one way by fifteen hundred feet the other way, the corners to be marked by distinct stone land marks and shall within forty days thereafter file a description of said mine, the county in which it is situated, the number of survey, the company or individual to whom the same was issued, and such other description as is practicable in the clerk's office of the county where the land lies or if an unorganized county, then in the county to which the same is attached for surveying purposes, which description shall be verified by an affidavit of the fact that he is the discoverer of said mine, and that he intends to fully prospect the same and comply with the law pertaining to the same in good faith; and shall be registered in the record of deeds. He shall then have the privilege of selling the rights he may have acquired in said mine—provided that he or his assigns shall within ninety days after the filing of such description have said mine surveyed and shall file a copy of said survey together with specimens of the ore taken therefrom with the State Land Board at Austin.

SEC. 4. After the filing of such survey and specimens, the discoverer or his assigns shall work said mine for his own benefit and for the benefit of the fund to which said mine belongs, said fund to receive five per centum of the gross receipts from said mine to be paid and received in such manner and under such regulations as the Land Board may prescribe by general rules applying alike to all such cases—provided that the mines shall be worked subject to such rules and regulations as the Land Board may prescribe, and which may be from time to time, changed, and they may by regulation prescribe such conditions of forfeiture of the rights hereby conferred as they may think proper, and on their violation declare such forfeiture—provided further that any one taking up a

mining claim of the dimensions herein provided for shall do at least two hundred dollars worth of work per annum on the same, and furnish annual proof of the same to the Land Board. Any one failing to comply with this provision shall forfeit his interest and it shall be subject to entry by any other person and it shall require no judicial forfeiture.

SEC. 5. The filing and registration of the description hereinbefore provided to be filed with the county clerk shall be constructive notice of claim. But all persons who have heretofore discovered and worked mines on said lines shall have a prior right for ninety days after the passage of this act in which to comply with this law as discoverer.

SEC. 6. This being a matter of great general interest and importance and there being no law regulating the same an imperative public necessity and emergency exists for its immediate passage, therefore it is enacted that the constitutional rule be suspended and that this act take effect from and after its passage.

Approved April 14, 1883.

Takes effect after passage.

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## CHAPTER XCVIII.

An Act to amend Article 4742 of the Revised Civil Statutes of this State.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 4742 of the Revised Civil Statutes be so amended as to hereafter read as follows:

"ARTICLE 4742. The collector of taxes shall, on forms to be furnished for that purpose by the Comptroller of Public Accounts, make a report under oath, to the Comptroller, of all taxes collected by him for the State, every three months. The first report shall include the months of October, November and December; the second shall include the months of January, February and March; the third shall include the months of April, May and June; the fourth shall include the months of July, August and September in each year, and he shall make a like report at each regular term of the commissioners' court of all taxes collected for the county."

SEC. 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER XCIX.

An Act to amend Article 4767 of the Revised Civil Statutes regulating the fees of tax collectors.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 4767 of the Revised Civil Statutes shall hereafter read as follows:

ARTICLE 4767. The collector of taxes shall receive as compensation

for his services six per cent on the first ten thousand dollars of taxes collected and five per cent on the next ten thousand dollars collected by him for the State and two per cent on all such taxes collected over that sum: for collecting the county tax five per cent on the first five thousand dollars of such taxes so collected by him and four per cent on the next five thousand dollars collected and two per cent on all such taxes collected over that sum and that in counties owing subsidies to railroads, the collector shall receive only one per cent for collecting such railroad tax and in case where property is levied on and sold for taxes he shall receive the same compensation as is allowed by law to sheriffs or constables for making a levy and sale in similar cases; but in no case to include commissions on such sales.

SEC. 2. And on all occupations and license taxes collected five per centum.

SEC. 3. The near approach of the close of the session and the fact that the compensation of tax collectors is inadequate creates an imperative public necessity and an emergency that the constitutional rule requiring this bill to be read on three several days be suspended and it is suspended and that this act take effect and be in force and after its passage and it is so enacted.

Approved April 17, 1883.

Takes effect ninety days after adjournment.

## CHAPTER C.

An Act to amend Article 669, Title 17, Chapter 2, of an Act entitled "An Act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas, passed Feby 21st, 1879.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 669, Title 17, Chapter 2, of an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas, passed Feby 21st, 1879, be so amended as to hereafter read as follows:

ARTICLE 669. If any person shall wilfully or negligently set fire to, or burn, or cause to be burned, any wood land or prairie not his own, he shall be punished by fine not less than fifty, nor more than three hundred, dollars.

SEC. 2. Whereas, this session approaches its close and time is wanting within which to consider this bill on three several days in each house and secure its passage by the end of the session, therefore an imperative public necessity is created for the suspension of the constitutional rule requiring bills to be read on three several days; and it is so enacted.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

## CHAPTER CI.

An Act to amend Article 1190 of the Revised Civil Statutes, so as to make the provisions of the article apply to foreign as well as domestic corporations.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article 1190 of the Revised Civil Statutes be so amended as to hereafter read as follows:

ARTICLE 1190. In pleading the charter or act of incorporation of any corporation, public or private, it shall not be necessary to set out at length such charter or act of incorporation, but it shall be sufficient to allege that such corporation was duly incorporated, and such allegation by either party shall be taken as true, unless denied by the affidavit of the adverse party, his agent or attorney.

Approved April 17, 1883.

Takes effect ninety days after adjournment.

## CHAPTER CII.

An Act to amend Articles 66, 67, 68, 70, 71, 72, 73, 74, 80 and 97 of an Act entitled "An Act to adopt and establish the Revised Civil Statutes of the State of Texas" passed March 17th 1879, and to amend Articles 75 and 79 of the Revised Civil Statutes, of the State of Texas as amended on April 18th 1879 and to add Article 68a.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Articles 66, 67, 68, 70, 71, 72, 73, 74, 75, 79, 80 and 97 of the Revised Civil Statutes of the State of Texas shall be so amended as hereafter to read as follows.

ARTICLE 66. The Asylum heretofore established by law at the seat of government and any other that may hereafter be established elsewhere for the care and treatment of insane persons, shall be managed and controlled in accordance with the provisions of this title.

ARTICLE 67. The general control management and direction of the affairs of the Texas Asylums for the Insane shall be vested in a board of managers to be styled, the Board of Managers of the Lunatic Asylums, subject only to such rules and regulations as may be prescribed by the Legislature. Three of the members of each board shall reside within five miles of their respective Asylums.

ARTICLE 68. The Governor shall appoint for the Lunatic Asylum and each branch thereof a board of managers consisting of five members, who shall hold their terms of office as follows: two shall hold their office for two years: two for four years and one for six years or until their successors are appointed and qualified: and whenever a vacancy occurs in said boards, it shall be filled by the Governor and the term of office of the person so appointed shall be for the unexpired term of the person whose place is made vacant. The Board of Managers shall be appointed by the Governor, by and with the advice and consent of the Senate.

ARTICLE 68a. Each of the members of the Board of Managers shall be paid five dollars per day and five cents a mile for going to and returning from the Asylums for the purpose of holding their monthly meetings: provided for by this act and no member shall be paid, except in

case of his actual attendance on said meetings, and the certificate of the president of the Board of Managers, approved by the Superintendent shall be a sufficient voucher for the Comptroller to draw his warrant upon the Treasurer for the amount due each member of said board, for his attendance on said meetings: provided, no meeting shall be for a longer time than one day.

ARTICLE 70. The Board of Managers shall hold monthly meetings at the Asylum, and a full account of all their acts and proceedings shall be recorded by the secretary in a book to be provided for that purpose.

ARTICLE 71. The members of said Board of Managers, shall be persons distinguished for their philanthropy, and when appointed in accordance with this act, they shall have the general direction and control of all the property and business of the Asylums, in accordance with the requirements of law, and in all those cases not provided for by law they shall have such direction and control of the property and business of the Asylums according to the by-laws, rules and regulations of the Asylums. They may take and hold in trust any gift or devise of real or personal estate for the benefit of the said Asylum and apply the same, as the donor or deviser may direct.

ARTICLE 72. The board of managers shall have power

1st. To make all necessary by-laws and regulations not inconsistent with the Constitution and laws of this State, for the government of their institutions, officers, employes and inmates and for the admission of visitors.

2nd. To determine the salaries and wages of all officers and employes of the Asylums.

3rd. To discharge upon the recommendation of the Superintendent, any officer employee or patient in the Asylums.

4th. Upon the nomination of the Superintendent, to appoint the assistant physicians, steward, matron and apothecary to the Asylum.

5th. To examine the accounts and vouchers of the Superintendent and to reject or approve the same as they may deem right and proper.

6th. To exercise a careful supervision over the general operations and expenditures of the Asylums, and to direct the manner in which its revenues shall be disbursed.

7th. They shall also cause to be kept a clinical record of all cases admitted in the Asylums.

ARTICLE 73. The managers shall maintain an effective inspection of their Asylums a committee for which purpose shall visit them once every month, a majority once every quarter and the whole board once a year at the time and in the manner prescribed by the by-laws. In a book kept by the managers for this purpose, the visiting manager or managers shall note the date of each visit, the condition of the house; patients, etc., with remarks of commendation or censure and all the managers present shall sign the same.

ARTICLE 74. The general result of these inspections, with suitable hints and suggestions, shall be inserted in the biennial report detailing the past year's operations and actual state of the Asylums, which the board shall make to the Legislature in the month of January of each alternate year beginning with the year 1885 accompanied by the report of the medical superintendent and steward.

ARTICLE 75. The board of managers of the Lunatic Asylum shall elect a medical superintendent of their respective asylums, who shall hold their offices for two years. He shall be a married man, a skillful

physician and good executive officer, and he shall also be experienced in the treatment of insanity. He shall have had special advantages and practical experience in the management of hospitals for the insane, and in the treatment of insanity by a residence for at least three years in such an institution. He shall reside in the Asylum with his family or in a house near the Asylum erected for the purpose: and he shall devote his whole time exclusively to the duties of his office.

ARTICLE 79. The board of managers shall have power to remove the Superintendent for good and sufficient cause only.

ARTICLE 80. The Superintendent shall be the chief executive medical and disbursing officer of the institution and subject to the by-laws, shall have general care and control over everything connected therewith. He shall attend to the enforcement of the laws of this State relating to the asylums and the by-laws of the institution and shall take care that all employees connected therewith, diligently and faithfully perform the duties assigned to them: and it shall be his duty to admit any of the board of managers into every part of the asylum, and to exhibit to him or them on demand all the books papers and accounts belonging to the institution or pertaining to its business, management, discipline or government also to furnish copies, abstracts and reports whenever required by the board.

ARTICLE 97. If applications be made for the admission of more patients than can be accommodated in the asylum preference shall be given in all instances to public over private patients, and of the former class to cases of less than one year's duration over chronic cases, and to indigent patients over others possessed of property and no private patients shall be admitted during pendency of an application by a public patient nor shall any public non-indigent patient be admitted during the pendency of an application by an indigent public patient.

SEC. 2. It is further enacted that all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. The near approach of the end of the session creates an emergency and an imperative public necessity justifying the suspension of the constitutional rule requiring bills to be read on three several days and that this act take effect and be in force from and after its passage: said rule is therefore suspended and it is enacted that this act take effect and be in force from and after its passage.

Approved April 14, 1883.

Takes effect after passage.

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### CHAPTER CIII.

An Act to create and provide for the organization of the county of Reeves.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That a new county to be called "Reeves county" is hereby established out of the following portion of Pecos county. Beginning at Great Falls on the Pecos river on the line of Pecos and Tom Green counties, thence south west to Varela Springs on the line of Pecos and Presidio counties; thence north west with the east line of Presidio county to San Martin in Apache mountains, thence north east with the east boundary line of El Paso county to the mouth of Delaware creek, where it

empties into the Pecos river; thence down the Pecos river to the place of beginning.

SEC. 2. The expense of running and marking the new county lines thus to be created, shall be paid by the new county, and each person appointed to run and mark any line or lines of said county shall be allowed three dollars per mile for each mile run.

SEC. 3. That it shall be the duty of the county commissioners' court of Pecos county within sixty days after the enactment of this law to lay off and divide said new county into convenient precincts for the election of county officers and also to designate convenient places in the new county where elections shall be held, of all which they shall cause a record to be made by the clerk and a copy thereof shall be transmitted to the county judge of the new county when elected.

SEC. 4. That the county judge of Pecos county immediately thereafter do order an election of county officers in said new county and appoint the presiding officers and managers and clerks of election, as is prescribed by law in other cases. The election returns shall be made to the county judge of Pecos county who shall issue certificates to the persons elected and shall approve the bonds of such officers and shall administer to them the oath of office.

SEC. 5. That the new county shall pay a pro rata share of the existing debt of the county of Pecos and there shall be set apart so much of the county tax levied and collected upon the property situated in the portion so taken from the county of Pecos annually as shall be sufficient to speedily liquidate said existing debt or debts, if any.

SEC. 6. Whereas the end of this session is near at hand and an imperative public necessity exists for the creation as indicated above, of the county of Reeves, and an emergency that the constitutional rule requiring bills to be read on three several days should be suspended, therefore said rule is suspended and it is enacted that this act take effect and be in force from and after its passage.

Approved April 14, 1883.

Takes effect from passage.

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## CHAPTER CIV.

An Act to create a Land Board with authority to investigate alleged land frauds and to authorize the institution of suits in the name of the State: to annul purchases in certain cases illegally and improperly made under an act to provide for the sale of alternate sections of land in organized counties as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund approved July 8th 1879 and an act amendatory thereof approved April 6th 1881 and to authorize the confirmation and validation of other purchases made under said acts: and with power to investigate the operations of the General Land Office and other matters relating to the John Gibson certificates and to make an appropriation therefor.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That a Land Board shall be created to consist of three persons to be appointed by the Governor and the Governor and the Comptroller shall be ex-officio members of said board.

SEC. 2. It shall be the duty of the Land Board provided for in section one of this act to ascertain by investigation whether any illegal or



fraudulent purchases have been made by any person or persons of any of the land set apart for the benefit of the common school fund and authorized to be sold under an act approved July 8th 1879 and an act amendatory thereof approved April 6th 1881 in which the county or district surveyor or his deputy acting for him in the county in which any such land is situated, acted as agent for the purchaser in making the application to purchase or in which any one person has acquired or by application attempted to acquire illegally more lands than he was permitted by law to purchase by the use of names of persons other than his own or otherwise, or where any person has made an application or file without intending in good faith to take the usual steps required by law to perfect his title, and in cases where the purchase of said lands was not made in the real name of the person intending to be the actual purchaser and where the law has been evaded or violated in any other manner to the prejudice of the State or the school fund and in case they discover that any such illegal or fraudulent purchases have been made in violation of said acts of 1879 and 1881 in the manner aforesaid: and in case they should conclude that the interest of the common school fund will be subserved by the institution of suits to annul and set aside such purchase or purchases it shall be the duty of said board to notify the Attorney General of their conclusions and said officer shall thereupon institute suit in the name of the State against all persons who have made such illegal or fraudulent purchases and their vendee or vendees who may have bought with notice of the illegality or fraud in the purchase under the acts before mentioned.

SEC. 3. It shall be the duty of the board created by this act to investigate the condition of the General Land Office, and the manner in which said office is conducted and said board shall also investigate the condition of such district and county surveyors' offices in this State as they may think proper with a view of ascertaining what irregularities or violations of law may have been committed in any of said offices, and recommend and advise the Attorney General to take such action as may be deemed proper in the premises, and said board shall further investigate the history of the filing of the John Gibson certificates, also the proposed surrender of the same to the General Land Office, and to advise and direct such a course as may be deemed proper in relation thereto. And said board shall further investigate the history of the appraisalment of the school land situated in Haskell county, and their approval by the Commissioner of the General Land Office and the manner in which the surveyor of said county was notified of such approval and the manner in which the books of the surveyor of said county are reported to have been opened in the city of Austin for the purpose of permitting parties to file on the same, and who filed on said land before the notice of such approval was sent to the surveyor of said county as the law requires. And said board shall further investigate the General Land Office for the purpose of determining how many clerks and what officers in said office have within the past two years filed upon school lands and under whose advice and permission they made such files.

SEC. 4. In the prosecution of the investigation provided for in this act the board are authorized to send for persons and papers, to administer oaths and affirmations, to issue subpoenas and enforce attendance of witnesses, which subpoenas shall be executed by any officer now authorized by law to execute process and any witness appearing before said

board shall receive the same pay as witnesses in civil cases to be paid by the State.

SEC. 5. The board may delegate any one of their number to go to different parts of the State to make investigations and to procure testimony, and in such cases he shall be invested with the full powers of the board to procure such testimony and to enforce the attendance of witnesses.

SEC. 6. The suits provided for in this act shall be brought within twelve months from the time this act takes effect, in the county where the land is situated, or in the county to which such county where the land is situated is attached for judicial purposes, or in the county of the residence of the purchaser, or the person for whose benefit the purchases were made, as the State may elect; provided, that suits for the recovery of such lands against non-residents or corporations shall be brought in the district court of Travis county: and provided further, that in all cases where twenty-five sections or more of land in excess of the seven sections authorized by law to be purchased, have been purchased by or for the benefit of any one person or corporation, suits for the recovery thereof shall be brought in the district courts of Travis county.

SEC. 7. In all cases where files have been made prior to February 3, 1883 upon any of the land set apart for the benefit of the common school fund and authorized to be sold under the acts of 1879 and 1881, and the first payment on said land as provided by said acts has been made or a tender thereof made to the Treasurer and refused by him and the Commissioner of the General Land Office has failed or refused to file the application of the purchaser and issue his certificate as provided for in the seventh section of the act approved April 6th 1881 and to complete the sale of the land so applied for, if the State shall not bring suit to set aside and annul such purchase within twelve months from the time this act goes into effect, it shall be the duty of the Commissioner of the General Land Office to complete and perfect the sale of said land so purchased in accordance with the provisions of the above recited act of 1881.

SEC. 8. Each member of the board provided for by this act except the Governor and the Comptroller shall be paid at the rate of five dollars per day while actually engaged in the investigation provided by this act, provided, they shall not be paid for more than six months services and in case any member of the board shall have to travel to any point in the State to take evidence in any investigation provided for in this act in addition to his per diem of five dollars above provided for he shall receive five cents per mile for every mile traveled by him in going to the place where the investigation is prosecuted and five cents per mile in returning to the Capital, the amount of mileage to be verified by affidavit of the member who has performed the service.

SEC. 9. The Governor shall certify all claims and accounts arising under the provisions of this act to the Comptroller who shall issue his warrant therefor to be paid by the State Treasurer.

SEC. 10. No suit shall be instituted by the Attorney General under the provisions of this act unless it shall be advised and directed by at least three of the board created by this act.

SEC. 11. The word person as used in this act shall be construed to include any corporation firm or partnership as well as material persons.

SEC. 12. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to carry into effect the provisions of this act to be expended under the direction of the board created by this act.

SEC. 13. Whereas the near approach of the close of this session of the Legislature creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days: therefore said rule is hereby suspended and this act shall take effect and be in force from and after its passage and it is so enacted.

Approved April 14, 1883.

Takes effect after passage.

## CHAPTER CV.

An Act to amend Articles 122, 129, 137, and 138 of An Act to adopt and establish the Revised Civil Statutes of the State of Texas, passed March 17th 1879, and to amend Articles 130 and 132 of the Revised Civil Statutes of the State of Texas as amended and approved April 17th 1879 and to add Article 130a.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Articles 122, 129, 130, 132, 136, 137 and 138 of the Revised Civil Statutes of the State of Texas, shall be amended as hereafter to read as follows:

ARTICLE 122. The Governor shall appoint for the Deaf and Dumb and the Blind Asylums a board of trustees for each consisting of five members each, who shall hold their terms of office as follows: Two shall hold their office for two years; two for four years, and one for six years, or until their successors are appointed and qualified, and whenever a vacancy occurs in said board, it shall be filled by the Governor, and the term of office of the person so appointed shall be for the unexpired term of the person whose place is made vacant. The appointment of said board shall be by and with the advice and consent of the Senate.

ARTICLE 129. On the first of January 1885 and every two years thereafter, the Board of Trustees shall report in writing to the Legislature the general operations of their respective asylums for the past two years, and accompany the same with such suggestions as they may deem important to the welfare of the institution.

ARTICLE 130. The board of trustees of each of said asylums respectively shall elect a superintendent of each of said asylums, who shall hold his office for the period of two years. Each of said superintendents shall have had special advantages and practical experience in the management of the persons committed to their charge by virtue of his appointment.

ARTICLE 130a. The members of each board of trustees shall be paid five dollars, each, per day, and mileage at the rate of five cents per mile in going to and returning from their respective asylums, for their services in attending the quarterly meetings provided for in Article 124; provided that no member shall draw pay for said quarterly meetings, unless he shall have actually attended said meeting; and provided further that no member can draw pay under this article for more than one day's attendance upon said quarterly meeting, and the certificate of the president of the board, approved by the superintendent, shall be sufficient evidence upon which the Comptroller can draw a warrant upon the Treasurer of the State, to pay the amount provided for in this article.

ARTICLE 132. The board of trustees of each of said asylums shall have power to remove the superintendent for good cause only.

ARTICLE 137. The board of trustees and the superintendent shall appoint an oculist for the Blind Asylum, who shall be skilled in his profession and a married man, and who shall attend regularly at the asylum and administer treatment to all cases of blindness among its pupils deemed curable.

ARTICLE 138. The oculist at the Blind Asylum shall hold his office for the period of two years and the board of managers and the superintendent may remove him for good cause only.

SEC. 2. It is further enacted that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. The near approach of the close of the present session of the Legislature creates an imperative public necessity justifying the suspension of the constitutional rule, which requires that all bills be read on three several days; said rule is therefore suspended and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

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## CHAPTER CVI.

An Act to amend the first section of an Act entitled "An Act for the relief of persons, firms or associations of persons who have procured license and complied with the law authorizing them to pursue the occupation of liquor dealers where they have been or may be prevented from pursuing such occupation, on account of the adoption of local option, and to make an appropriation therefor," approved May 5th, 1882.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Section 1 of the above mentioned act be amended so as to hereafter read as follows.

SECTION 1. That in all cases where any person, firm or association of persons pursuing the occupation of liquor dealers under license issued in accordance with the laws of this State has been, or shall hereafter be prevented from pursuing such occupation for the full time to which he would be otherwise entitled by reason of the adoption of local option in any county, precinct, town or city, a proportionate amount of the taxes paid by him for the unexpired term shall be refunded to him.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER CVII.

An Act to amend Article 2266, Chapter 4, Title 38, of the Revised Civil Statutes, changing the time of filing counter affidavits in cases where the action or defense is founded upon a sworn account.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 2266, Chapter 4, Title 38, of the Revised Civil Statutes, be so amended as to read as follows:

"ARTICLE 2266. When any action or defense is founded upon an open

account, supported by the affidavit of the party, his agent or attorney, taken before some officer authorized to administer oaths, to the effect that such account is, within the knowledge of affiant, just and true: that it is due, and that all just and lawful offsets, payments and credits have been allowed, the same shall be taken as prima facie evidence thereof, unless the party resisting such claim shall before an announcement of ready for trial in said cause, file a written denial, under oath, stating that such account is not just or true, in whole or in part, and if in part only, stating the items and particulars which are unjust: provided, that when such counter affidavit shall be filed on the day of trial, the party claiming under such verified account shall have the right to continue such cause until the next term of court: when he fails to file such affidavit he shall not be permitted to deny the account, or any item therein as the case may be."

SECTION 2. The near approach of the close of the session, the importance of this bill, and the improbability that it would be reached in the regular order of business, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER CVIII.

An Act to amend Article 4684 of Title 95, Chapter 2, of the Revised Civil Statutes, providing for the manner of assessing bankers, brokers, dealers in exchange, etc.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 4684, of Title 95, Chapter 2, of the Revised Civil Statutes shall be so amended as to hereafter read as follows, to-wit:

ARTICLE 4684. Every bank, whether of issue or deposit, banker, broker, dealer in exchange, or stock jobber, shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor of taxes a sworn statement showing,

1st; If a national bank, the president, or some other officer of such bank, shall furnish, to the assessor of the county, in which such bank is located, a list of the names of all the share holders of the stock, together with the number and amount of the shares of each shareholder of stock, in said bank; and the shareholders of the stocks in national banks shall render to the tax assessor of the county in which such bank is located the number of their shares, and the true and full value thereof. All shares of stocks in National banks not rendered to the assessor of taxes in the county where such bank is located within the time prescribed by law for listing property for taxes, shall be assessed by the assessor against the owner or owners thereof as unrendered property is assessed; but the tax roll shall show the name of the owner or owners thereof as per statement furnished by the president or other officer of said bank.

2nd; National banks shall render all other bonds and stocks of every kind (except United States bonds), and all shares of capital stocks, or joint stock or stocks of other companies or corporations held as an investment, or in any way representing assets, together with all other personal property belonging or pertaining to said bank, except such personal

property as is specially exempted from taxation by the laws of the United States.

3rd; National banks shall be required to render all of their real estate, as other real estate is rendered, and all the personal property of said National banks herein taxed shall be valued as other personal property is valued.

4th; All other banks, bankers, brokers or dealers in exchange, or stock jobbers, shall render their list in the manner following: 1st, the amount of money on hand, or in transit, or in the hands of other banks, bankers, brokers, or others subject to draft, whether the same be in or out of the State (except United States Treasury notes;) 2nd, the amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable, interest accrued but not due, and interest due and unpaid; 3rd, from the aggregate amount of the items named in the 1st and 2nd of the last two subdivisions shall be deducted the amount of money on deposit; 4th, the amount of bonds and stocks of every kind (except United States bonds,) and all shares of capital stocks or joint stocks of other companies or corporations held as an investment, or in any way representing assets; 5th, all other property belonging or appertaining to said bank or business, including both personal property and real estate, shall be listed as other personal property and real estate.

SEC. 2. Whereas, the assessors are now assessing taxes for 1883, and, whereas, the present law defining how National and other banks shall be taxed is very defective, therefore an imperative public necessity exists, requiring the suspension of the constitutional rule, which requires bills to be read on three several days in each house, and the same is hereby suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

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## CHAPTER CIX.

An Act to authorize the council of certain cities and towns to appoint a board of school trustees.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the city council of every city or town of one thousand inhabitants or more, incorporated under the general law, that has or shall assume control of its public free schools, may appoint six persons of good moral character and qualified voters of such city or town, as a board of trustees for such schools of which board the mayor shall be ex officio chairman.

SEC. 2. A trustee so appointed shall serve without compensation and shall hold office for the term of three years, or until his successor is qualified, and an appointment to fill a vacancy shall be for the unexpired term only. But the terms of two of the trustees first appointed under this act, shall expire on the first Tuesday in April after their appointment, and two on the first Tuesday in April of each succeeding year.

SEC. 3. Before any trustee enters upon the discharge of the duties of his office, he shall swear that he will faithfully and impartially discharge the duties of such office and file such affidavit with the mayor.

SEC. 4. Said board of trustees may adopt such rules, regulations and by laws for their own government as they may deem proper.

SEC. 5. The public free schools of such city or town, shall be under the control and supervision of such board of trustees, and said board when appointed shall have the same power to control, manage and govern said schools that the city council or board of aldermen now have.

SEC. 6. The near approach of the close of the session, creates a public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days, and such rule is hereby suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER CX.

An Act to amend Title 32, Chapter 17, of the Revised Statutes of the State of Texas by adding thereto Articles 1639a and 1639b.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Title 32, Chapter 17, of the Revised Civil Statutes of the State of Texas be amended by adding thereto Articles 1639a and 1639b to read as follows, to wit:

ARTICLE 1639a. Where the appellant is unable to pay the costs of appeal, or to give security therefor, he shall nevertheless be entitled to prosecute his appeal; but, in order to do so, he shall be required to make strict proof of his inability to pay the costs, or any part thereof. Such proof, shall be made before the county judge of the county where such party resides, or before the court trying the same, and shall consist of the affidavit of said party, stating his inability to pay the costs, which affidavit may be contested by any officer of the court, or party to the suit; whereupon, it shall be the duty of the court trying the case, if in session, or the county judge of the county, in which the suit is pending, to hear evidence, and to determine the right of the party to his appeal.

ART. 1639b. When the bond, or the affidavit in lieu thereof, provided for in the two preceding articles, has been filed, and the previous requirements of this chapter have been complied with, the appeal shall be held to be perfected.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER CXI.

An Act authorizing the refunding from the State Treasury from deposits made to special funds to parties who may have paid the same in error, and who may have received no consideration therefor.

Whereas it appears that sundry payments have been made into the State treasury on public domain, and other classes of lands, for which, because of conflicts, erroneous surveys and other causes, the Commissioner of the General Land Office cannot issue patents, and the parties cannot

receive proper consideration for such payments, and will lose their moneys: therefore

SECTION 1. Be it enacted by the Legislature of the State of Texas: That upon proper proof being made to the Comptroller that deposits have been made to any special funds of moneys paid by parties for which deposits and payments, no patents for lands can be issued for which such payment may have been or may hereafter be made, the Comptroller is authorized to issue his warrant in favor of such parties, for such amount, as may be found to be due: provided, that this act shall not apply to surveys, the errors in which may be corrected.

SEC. 2. The near approach of the close of the present session of the Legislature creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

## CHAPTER CXII.

An Act to amend Section 10 of An Act to organize the 12th, 16th, 17th, 29th, 34th and 35th judicial districts and to fix the time of holding the courts therein, to change the time for holding the district courts in the 7th and 14th judicial districts and in counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide a district attorney in the 16th judicial district, approved March 27th, 1883.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Section 10 of the above recited act shall be so amended that the same shall hereafter read as follows:

SECTION 10. The sixteenth judicial district shall be composed of the counties of Williamson and Travis and the district courts shall be held therein as follows: In the county of Williamson on the first Mondays in July and January of each year and may continue in session six weeks; and in the county of Travis on the first Monday in March and October of each year and may continue in session for the March term sixteen weeks, and for the October term twelve weeks and that this act take effect and be in force from and after the first Monday in August 1883.

SEC. 2. The near approach of the end of this session of the Legislature creates an imperative necessity that the rule requiring bills to be read on three several days be suspended as to this act and said rule is suspended.

Approved April 14, 1883.

Takes effect first Monday in August 1883.



## CHAPTER CXIII.

An Act to amend Article 430, of Section 1, and to repeal Section 2 of an Act entitled "An Act to amend Articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15th, 1881.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That Article 430, of Section 1, of an act entitled, "An Act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15th, 1881, be amended so as to read as follows:

ARTICLE 430. That the following counties are hereby exempted from the provisions of articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Nacogdoches, Hood, Bosque, Somervell, Lampasas, Sabine, San Augustine, Shelby, Titus, Franklin, Delta, Red River, Hunt, Henderson, Rains, Wood, Coryell, Hamilton, Brown, Coleman, Runnels, Johnson, Cooke, Morris, Rusk, Panola, Grayson, Leon, Wise, Montague, Clay, Parker, Tarrant, Jack, and the unorganized counties attached to the same for judicial purposes; Ellis, Anderson, Tom Green, Hill, Freestone, Cherokee, Bowie, Stephens, Eastland, Erath, Comanche, Palo Pinto, Madison, Austin, Hopkins, Throckmorton, Shackelford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Wilbarger, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman, Dallam, Smith, Upshur, Cass, El Paso, Presidio, Pecos, Polk, San Jacinto, Camp, Frio, Dimmit, Maverick, Kinney, Cameron, and the unorganized county of Zavalla; provided, that the exemptions from the operations of this law shall not apply to article 425, and provided, that the counties of Fort Bend, Grimes, Angelina, Van Zandt, Walker, Trinity, Parker, Jack, and Young are hereby exempted from articles 425, 426, 426½, 427, 428 and 429; and provided, that the county of Houston is hereby exempted from the provisions of articles 426, 426½, 427, and 429 of this act; and provided, that the counties of Lamar, Fannin and Hopkins are hereby exempted from the provisions of articles 426 and 426½; and provided, that the county of Lee is hereby exempted from the provisions of articles 426 and 429; and provided, that the counties of Bastrop and Brazoria, are hereby exempted from the provisions of article 429; and provided, that the county of Dallas is hereby exempted from the provisions of articles 428 and 429; and provided, that the county of Kaufman is hereby exempted from the provisions of articles 428 and 429; and provided, that the county of Marion is hereby exempted from the provisions of articles 426, 426½, 427, 428, and 429; and provided, that the county of Gonzales is hereby exempted from the provisions of articles 426, 426½, 427, and 428; and provided, that the county of Rockwall is hereby exempted from the provisions of articles 425 and 427.

SEC. 2. That section 2 of said act be and the same is hereby repealed.

SEC. 3. The near approach of the close of the session, and the best interests of the State create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 18, 1883.

Takes effect ninety days after adjournment.

## CHAPTER CXIV.

An Act to provide for the more efficient management of the Texas State Penitentiaries, and to make an appropriation therefor.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the Penitentiary Board shall hereafter consist of the Governor and two Commissioners of State Penitentiaries, to be appointed by the Governor, with the advice and consent of the Senate; provided, the first appointment, after this act goes into effect, may be made without confirmation by the Senate. Said commissioners shall hold their office for two years and until the appointment and qualification of their successors: and in case of a vacancy in said office the same shall be filled by executive appointment for the unexpired term. Said commissioners shall each receive five dollars per day while in attendance on the meetings of the board, and their actual traveling expenses. Two members thereof shall constitute a quorum for the transaction of business.

SEC. 2. It shall be the duty of the Comptroller of Public Accounts to draw his warrant on the Treasurer for all sums due by the State, on account of the penitentiaries, upon the certificate of the Superintendent of Penitentiaries, approved by the Penitentiary Board; provided, that the Penitentiary Board may make monthly estimates of the expenses of the penitentiaries; in which case the Comptroller shall issue his warrant for such amount in favor of said Superintendent, and he shall file with the Comptroller at the end of the month for which such estimate is made, vouchers for all payments made out of such amount; provided further, that the Penitentiary Board shall appoint a financial agent for the penitentiaries; and, in that event, said financial agent shall exercise the powers and perform the duties prescribed in this section, for the Superintendent of Penitentiaries, and said financial agent shall receive such compensation, not to exceed three thousand dollars per annum, and discharge such other duties as may be prescribed by said board.

SEC. 3. No lease of the penitentiaries, or either of them, shall hereafter be made, and the State shall resume control thereof; and, for the purpose of resuming control of the penitentiaries and operating the convicts on State account, or by contract, or partly by one mode, and partly by the other, as the board herein provided for, or the Legislature may determine.

SEC. 4. It shall be the duty of the Penitentiary Board to confine all convicts within the walls of the penitentiaries as soon as suitable prisons can be provided for their confinement and employment in such manner that they will be self-supporting: and, until adequate provision is made

for such confinement and employment of the convicts, they may be employed as provided in Section 3 of this act; provided, that convicts shall not be employed on any public works other than building a reformatory, or other penitentiaries, nor at any mechanical labor outside of the walls, in any city or town; provided further, that the Penitentiary Board may at any time, if they deem it advisable, purchase a penitentiary farm or farms, upon which all convicts, not self-supporting, may be worked by the State.

SEC. 5. The superintendent of penitentiaries, before entering upon the duties of his office, shall execute a bond for twenty thousand dollars, payable to the Governor and his successors in office, to be approved by the Penitentiary Board, conditioned for the faithful performance of the duties of his office; and the Penitentiary Board may, when in their judgment the public interest will be promoted thereby, require any of the subordinate officers of the penitentiary to give bond in such amount and with such conditions as may be prescribed by the board: provided, that the superintendent of penitentiaries in office, when this act shall take effect, shall have sixty days after said date in which to give bond as required in this section.

SEC. 6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 7. The near approach of the end of the session, and the great number of bills requiring attention, creates an emergency, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 18, 1883.

Takes effect after passage.

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## CHAPTER CXV.

An Act to provide for the payment of the expenses of attached witnesses in felony cases.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That any witness who may have been recognized, or attached and given bond for his appearance before any court out of the county of his residence, to give testimony in a felony case and who shall appear in compliance with the obligations of such recognizance or bond, shall be allowed his actual traveling expenses, not exceeding three cents per mile going to and returning from the court by the nearest practicable conveyance and one dollar per day for each day he may be necessarily absent from home as a witness in such case.

SEC. 2. Witness fees shall be allowed to such State witnesses only as the district or county attorney shall state in writing are material for the State, and to witnesses for the defendant after he has made affidavit that the testimony of the witness is material to his defense, stating the facts which are expected to be proved by the witness, which certificate and affidavit must be made at the time of procuring the attachment for, or taking the recognizance of the witness; provided that the judge to whom an application for attachment is made may in his discretion grant or refuse such application when presented in term time. No attachment

shall be issued in a felony case, until the State's attorney shall have first made the statement in writing, or the defendant shall have made the affidavit, which will authorize the payment of the witness to be attached.

SEC. 3. Before the close of each term of the district court the witness shall make affidavit in writing stating the number of miles he will have traveled going to and returning from the court by the nearest practicable conveyance, and the number of days he will have been necessarily absent going to and returning from the place of trial, which affidavit shall be filed with the papers of the case; provided no witness shall receive pay for his services as a witness in more than one case at any one term of the court; provided further, that fees shall not be allowed to more than two witnesses to the same fact, unless the judge of the court before whom the cause is tried, shall after such case shall have been disposed of, certify that such witnesses claiming fees as herein provided were necessary in the cause, nor shall any witness recognized or attached for the purpose of proving the general character of the defendant be entitled to the benefits hereof.

SEC. 4. It shall be the duty of the district or criminal judge when any such bill is presented to him, to examine the same carefully and to inquire into the correctness thereof, and to approve the same in whole or in part, or to disapprove the entire bill, as the facts and law may require and said bill with the action of the judge thereon shall be entered on the minutes of said court; and immediately on the rising of said court, it shall be the duty of the clerk thereof, to make a certified copy from the minutes of said court, of said bill, and the action of the judge thereon, and transmit the same by mail in registered letter to the Comptroller of Public accounts for which service the clerk shall be entitled to a fee of twenty-five cents to be paid by the witness.

SEC. 5. It shall be the duty of the Comptroller, upon the receipt of such claim and said certified copy of the minutes of said court, to carefully examine the same, and if correct to draw his warrant on the State Treasurer for the amount due, and in favor of the witness entitled to the same; provided, if the appropriation for paying such accounts is exhausted, the Comptroller shall file the same away if correct, and issue a certificate in the name of the witness entitled to the same, stating therein the amount of the claim; and all such claims or accounts, not transmitted to, or placed on file in the office of the Comptroller of Public Accounts, within twelve months from the date of the final disposition of the case in which the witness was attached or recognized to testify shall be forever barred; and all laws and parts of laws in conflict with the provisions of this bill are hereby repealed.

Approved April 23, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER CXVI.

An Act making an appropriation for the support of the State Government, for the years beginning March 1, 1883, and ending February 28, 1885.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be neces-

sary, be and the same are hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the support of the State Government for the years beginning March 1, 1883, and ending February 28, 1885.

## EXECUTIVE OFFICE.

	Years ending	
	Feby 29, 1884.	Feby 28, 1885.
For salary of Governor .....	\$4000	\$4000
Salary of Private Secretary .....	1500	1500
Salary of clerk .....	900	900
Books and stationery .....	300	300
Telegraphing .....	600	600
Postage .....	200	200
Porter hire, Executive Office .....	500	500
Labor to keep Executive mansion grounds in order, and other contingent expenses for same .....	600	600
For wood, lights, etc .....	200	200
Gas for mansion .....	250	250
Payment of rewards, and for paying attorneys for prosecuting offenders against the laws of this State; for representing the State in civil causes, and for necessary expenses of such civil suits, to be under control and paid upon warrants issued on certificates of the Governor .....	15000	15000
Furniture and contingents for the Executive Office .....	300	
Keeping Governor's mansion in repair, and telephone .....	500	500
Sewerage for Executive mansion, to connect with proposed sewerage for temporary capitol .....	1200	

## STATE DEPARTMENT.

For salary of Secretary of State .....	2000	2000
Salary of Chief Clerk .....	1800	1800
For salary of two assistant clerks .....	2400	2400
Salary of extra clerk to prepare laws of Eighteenth Legislature for publication .....	300	
Freight, express and postage .....	1700	1700
Books and stationery .....	400	400
Lights and wood .....	125	125
Contingent expenses .....	100	100
Porter hire, State department .....	360	360
Furniture, files, file boxes, etc .....	250	
Salary of expert and clerk of the printing board .....	1500	1500
Public printing .....	25000	25000
For completing the transcribing of the Executive Record of the administration of Governor Sam Houston, or so much thereof as may be necessary .....	250	
To pay for advertising and submitting constitutional amendments, or so much thereof as may be necessary .....	20000	
For salary of State Engineer for the management of railroads .....	3000	3000

	Year ending Feb'y 29, 1884.	Year ending Feb'y 28, 1885.
For salary of State Engineer's secretary .....	\$1500	\$1500
For other expenses incident to the Railroad Engineer's department .....	1000	1000

## TREASURY DEPARTMENT.

For salary of Treasurer .....	2500	2500
Salary of Chief Clerk .....	2000	2000
Salary of book-keeper .....	1500	1500
Salary of two book-keepers, land department .....	3000	3000
Salary of one assistant book-keeper, land department .....	1200	1200
Salary of three additional clerks .....	3600	3600
Salary of three watchmen for Treasurer's and Comptroller's department .....	2100	2100
Salary of porter and messenger .....	600	600
To construct one additional vault, to contain silver coin .....	1000	
Books and stationery .....	400	400
Wood and lights .....	150	150
Postage .....	300	300
Contingent .....	100	100
Desks, cases, etc .....	100	100
Keeping in repair time locks and combinations .....	50	50
Additional appropriation for clerical help in land department, to be used when the condition of the office requires it .....	2500	2500

## COMPTROLLER'S OFFICE.

For salary of Comptroller .....	2500	2500
Salary of Chief Clerk .....	2000	2000
Salary of correspondence clerk .....	1500	1500
Salary of one auditing clerk .....	1500	1500
Salary of one book-keeper .....	1800	1800
Salary of one receiving clerk .....	1800	1800
Salary of one deposit warrant clerk .....	1500	1500
Salary of one tax clerk .....	1800	1800
Salary of one tax sales clerk .....	1500	1500
Salary of one back tax clerk .....	1500	1500
Salary of redemption clerk .....	1500	1500
Salary of one examining clerk .....	1500	1500
Salary of one warrant clerk .....	1800	1800
Salary of ten first assistant clerks .....	14000	14000
Salary of six second assistant clerks .....	7200	7200
Salary of assistant clerks, at an average of \$75 per month .....	10800	10800
Wood .....	250	250
For telegraphing, postage for correspondence and assessment rolls .....	3000	3000
Books, stationery, and binding rolls, and contingent expenses .....	2000	2000

	Year ending Feb'y 29, 1884	Year ending Feb'y 29, 1885
Porter and messenger hire.....	\$400	\$400

## GENERAL LAND OFFICE.

For salary of Commissioner.....	2500	2500
Salary of Chief Clerk .....	2000	2000
Salary of Spanish clerk .....	1800	1800
Salary of receiving clerk .....	2000	2000
Salary of examining clerk .....	1500	1500
Salary of calculator .....	1500	1500
Salary of first assistant clerk.....	1500	1500
Salary of two filing clerks.....	2400	2400
Salary of two corresponding clerks .....	3000	3000
Salary of first patenting clerk.....	1500	1500
Salary of fourteen assistant clerks.....	16800	16800
Salary of chief draftsman .....	1800	1800
Salary of twelve compiling draftsmen.....	18000	18000
Salary of one draftsman for compiling county maps.....	1500	1500
Salary of one abstract clerk.....	1500	1500
One corresponding clerk for school land.....	1500	1500
One book-keeper.....	1500	1500
One assistant book-keeper .....	1200	1200
For one additional clerk.....	1000	1000

(The above appropriation to be used only in case no land bureau or board is created by the Legislature.)

Salary of one night watchman.....	600	600
Salary of one porter .....	360	360
Stationery, books and furniture .....	3000	3000
Postage .....	900	900
Wood .....	250	250
Contingent expenses .....	100	100
Lithographic maps.....	2000	2000
Making fire-proof ceiling and repairs in General Land Office, including \$6000, heretofore appro- priated .....	7000	7000
Telephone .....	60	60

## DEPARTMENT OF INSURANCE, ETC.

For salary of Commissioner .....	2000	2000
Salary of Chief Clerk and Librarian.....	1800	1800
Salary of assistant clerk.....	1500	1500
Salary of one assistant clerk.....	1000	1000
Porter hire.....	300	300
Office furniture .....	500	
Stationery, postage, printing, fuel, lights, expres- sage and binding books for public library.....	600	600
Purchasing books for public library.....	2000	2000
The purchase of one hundred and sixty sets of the ten volumes of the Southern Historical Society		

	Year ending Feb'y 29, 1884.	Year ending Feb'y 28, 1885.
papers, to be distributed by the Commissioner of Insurance Statistics and History, one set to each organized county, and the other to public libraries of the various State institutions.....	\$5000	
Subscriptions for newspapers for public library, and binding same.....	200	\$200
Two night watchmen for Capitol grounds and buildings .....	1200	1200
Labor upon public grounds, and taking care of public buildings, shrubbery within the Capitol enclosure and State Cemetery.....	600	600
Procuring and transporting to Washington City, a stone from a Texas quarry, appropriately inscribed and contributed to the Washington Monument in the name of the State of Texas, by Commissioner of Insurance, Statistics and History.....	100	
Dissemination of statistical information in the various States, and in foreign countries in regard to climate, soil and resources of Texas, to be applied to books already published, as well as those now being published.....	2500	2500
COMMISSIONER OF FISH.		
For salary of Commissioner.....	1500	1500
Water supply for fish ponds.....	500	500
Hire of competent assistants.....	1200	1200
Hire of laborers.....	300	300
Traveling expenses.....	300	300
Stationery, postage and telegrams.....	100	100
Construction of additional fish ponds and purchase of land, to be approved by the Governor.....	1000	
Propagation and distribution of fish.....	700	700
Incidental expenses.....	100	100
ADJUTANT GENERAL.		
For salary of Adjutant General.....	2000	2000
Salary of Chief Clerk.....	1200	1200
For stationery, postage and telegraph.....	200	200
Handling and transportation of arms ammunition, etc.....	500	500
Repairs of arms.....	150	150
Porter hire (this porter does service for Adjutant General and Board of Education).....	300	300
Fuel and incidental expenses.....	200	200
The protection of the frontier and suppression of lawlessness and crime.....	75000	75000
Adjutant General's expenses as inspector of arms and troops.....	300	300
To pay for services of militia companies in case they are called into actual service under the law,		



	Year ending Feby 28, 1884.	Year ending Feby 28, 1885.
payment to be made by the Governor .....	\$1000	\$1000
<b>ATTORNEY GENERAL.</b>		
For salary of Attorney General.....	2000	2000
Salary of Assistant Attorney General.....	2000	2000
Salary of Chief Clerk .....	1800	1800
Salary of other law clerk.....	1500	1500
Attorney General's fees in felony cases.....	1500	1500
Traveling expenses of Assistant Attorney General	1000	1000
Stationery .....	200	200
Postage .....	300	300
Telegraphing.....	100	100
Contingent expenses.....	100	100
Fuel and lights.....	100	100
Furniture for office and for repairs.....	110	110
Purchasing law books and current law literature..	500	500
Payment of costs, depositions, etc.....	300	300
Pay of porter, to act as messenger.....	300	300
<b>JUDICIAL DEPARTMENT.</b>		
<i>Supreme Court.</i>		
For salary of three judges.....	10650	10650
Furniture for judges and court room.....	800	300
Postage and contingent.....	750	750
Books and stationery.....	600	600
Fuel and lights.....	500	500
Porter hire .....	450	450
Sheriffs attendance .....	300	300
Clerk Supreme Court at Austin, ex officio librarian	750	750
Clerk Supreme Court at Tyler, ex officio librarian.	300	300
Clerk Supreme Court at Galveston, ex officio libra- rian. ....	300	300
Pigeon hole cases and boxes in court room tempo- rary capital, to hold over 9500 transcripts now on hand .....	550	
Iron safe for record books, including the \$200 here- tofore appropriated .....	425	
Books and shelving for Supreme Court library ...	2000	1200
Pay of costs in Supreme Court in civil cases, in which said costs are adjudged against the State	100	100
<i>Court of Appeals.</i>		
For salary of three judges.....	10650	10650
Pay of clerk's fees, criminal costs .....	4000	4000
Pay of sheriffs or bailiffs attendance on court....	300	300
Postage and contingent expenses .....	600	600
Fuel and lights.....	500	500
Porter hire .....	450	450

	Year ending Feby 23, 1884.	Year ending Feby 23, 1883.
Law books to be selected by the presiding judge.	\$500	\$500
Record books, stationery and furniture.....	1000	700
Purchase of one large iron safe.....	300	
For pay of costs in civil cases when adjudged against the State .....	100	100

*Commissioners of Appeals.*

For salary of three judges.....	10650	10650
Furniture for judges and court room.....	400	
Postage and contingent .....	500	500
Fuel and lights.....	250	250
Porter hire .....	300	300

*General Expenses Judicial Department.*

For the payment of fees and costs of sheriffs, clerks, district and county attorneys in felony cases .....	210000	210000
Pay of thirty-eight district judges .....	95000	95000
Salary of judge of criminal district court, Galves- tan and Houston.....	2500	2500
Salary of district attorneys.....	12000	12000
Salary of district attorney, criminal district courts of Harris and Galveston counties.....	500	500
Salary of special district judges.....	5000	5000
Publishing Supreme Court reports.....	8000	8000
Publishing Court of Appeals reports.....	8000	8000
To reimburse the appellant and his bondsmen in the "Mercer Colony Case" in the event said bond has to be paid, on warrant of the Governor....	2000	

*DEAF AND DUMB AYLUM.*

For pay of Superintendent .....	2000	2000
Pay of Principal.....	1000	1000
Pay of articulation teacher .....	900	900
Pay of second teacher .....	600	600
Pay of five additional teachers.....	2400	
Pay of six additional teachers.....		2880
Pay of steward and secretary.....	600	600
Pay of matron .....	420	420
Pay of assistant matron.....	360	360
Pay of night watchman.....	360	360
Pay of farmer and gardner.....	300	300
Pay of assistant farmer and gardner and dairy- man .....	240	240
Pay of three washers and ironers.....	540	
Pay of four washers and ironers.....		720
Pay of chief cook .....	240	240
Pay of assistant cook .....	216	216
Pay of laborers.....	180	216

	Year ending Feb'y 29, 1884.	Year ending Feb'y 28, 1885.
Pay of monitor of boys.....	\$120	\$120
Pay of monitress of girls.....	120	120
Pay of expert in printing.....	1000	1000
Pay of expert in book binding.....	750	750
Pay of expert in shoemaking.....	600	600
Supplies of provisions, etc.....	16000	18000
Replacing unserviceable bedding, stoves, farming implements, etc.....	2000	
Finishing building, as set forth in plan of architect in exhibit.....	59046	
Replacing old, worn out unserviceable fence, etc.	2750	
Purchase clothing for indigent pupils.....	500	500
Furnishing new building when completed.....	3000	
Purchasing tract of about twenty-five acres adjoining the present tract.....	2000	
Rebuilding stable recently destroyed by fire.....	500	

## LUNATIC ASYLUM.

For salary of Superintendent.....	2000	2000
Salary of assistant physician.....	1500	1500
Salary of second assistant physician.....	750	1000
Salary of apothecary.....	450	600
For salary of book-keeper.....	600	600
Salary of steward.....	900	900
Salary of matron.....	400	400
Salary of assistant matron.....	270	360
Salary of male and female attendants.....	8530	9600
Salary of seven seamstresses.....	1680	1680
Salary of seven laundresses.....	1680	1680
Salary of four watchmen.....	1440	1440
Salary of one gardener.....	360	360
Salary of one scavenger.....	200	200
Salary of one chief cook.....	360	360
Salary of three assistant cooks.....	660	720
Salary of one carpenter.....	360	360
Salary of one baker.....	480	480
Salary of three farm laborers.....	550	600
Salary of one engineer.....	750	1000
Salary of two firemen.....	360	480
Medical stores.....	1500	1800
Dry goods, bedding and clothing.....	8500	9400
Groceries, provisions and wood.....	80000	96000
Forage.....	1400	1400
Repairs and fencing.....	5000	
Transportation of patients.....	2000	2000
Contingent expenses.....	600	600
One male supervisor.....	420	420
One female supervisor.....	360	360

## INSTITUTION FOR THE BLIND.

For salary of superintendent.....	2000	2000
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	Year ending Feb'y 29, 1884.	Year ending Feb'y 28, 1885.
Salaries of school, music and shop teachers.....	\$6000	\$7000
Salary of matron and nurse.....	400	400
Salary of assistant matron and nurse.....	300	300
Salary of teacher of sewing and seamstress .....	300	300
Salary of oculist.....	600	600
Salary of cook and assistants.....	500	600
Salary of three laundresses.....	500	600
Night watchman.....	360	360
Groceries, provisions and miscellaneous.....	16000	18000
Purchase of clothing for indigent pupils.....	500	500
Repair fund.....	1500	1500
Book-keeper and steward.....	500	500
Transportation and miscellaneous expenses for in- digent pupils.....	600	1000
Sewerage .....	600	
One pipe organ.....	2000	
Fixing fire hydrant and pipe.....	2000	
To pay for heating apparatus including the sum of \$2500 appropriated, which was not expended	3500	

TO PAY VETERANS UNDER SPECIAL ACTS GRANTING  
THEM PENSIONS.

To I. N. Alsbury.....	100	100
Dillard Cooper.....	250	250
R. M. Davis .....	100	100
John Day .....	100	100
J. E. Field .....	200	200
J. W. Nichols.....	100	100
H. M. Smith .....	250	250
J. B. Thacher.....	100	100
D. T. Webb .....	100	100
Mrs. S. L. Cole, widow of David Cole.....	100	100

DEPARTMENT OF EDUCATION.

*Public Schools.*

For salary of Secretary Board of Education.....	2000	2000
For support of Sam Houston Normal School for fiscal year ending Aug. 11, 1885.....	18000	18000
(Above to be paid out of general revenue.)		
For payment of teachers to be employed by the State Board of Education for the purpose of teaching a summer normal school in each Sena- torial district for white, and each Congressional district for colored teachers.....	6000	6000
Purchase of philosophical, physiological and astrono- mical apparatus, for Sam Houston Normal Insti- tute to be paid out of general revenue.....	1500	1500
Purchase of library for Sam Houston Normal In- stitute, to be paid out of general revenue.....	1000	1000
Support of the public free schools for the years		

ending Aug. 31, 1884 and 1885, the one dollar poll tax levied for school purposes, and one fourth of all the general revenues that may be collected, exclusive of cost of collection; and all the interest on the permanent school fund including bonds and other interest bearing indebtedness now or hereafter belonging to said permanent school fund.

## STATE UNIVERSITY.

For support, establishment and maintenance of the State University, erection of buildings and purchase of all accessories necessary, to be under control of the Board of Regents, all the available University fund on hand or accruing, as far as may be necessary, in the judgment of the regents for both years, except such sums as are herein otherwise appropriated.

For surveying and designating one million acres of land for the State University, and one million acres of land for the permanent School fund, the land to be selected and surveyed under the direction of the Commissioner of the General Land Office, the expenses to be paid on his warrant upon the State Treasurer, one half to be paid out of the available University fund, and one half to be paid out of the available School fund .....

Year ending  
Feby 29, 1884.

Year ending  
Feby 28, 1885.

\$5000

## A. AND M. COLLEGE.

For the support and maintenance of the Agricultural and Mechanical College, to be expended as follows:

For the year 1883, out of the general revenue....

30000

For the year 1884, out of the university fund.....

\$10000

## PRAIRIE VIEW NORMAL SCHOOL.

For support of Prairie View Normal School, for the years ending August 31, 1884 and August 31, 1885, inclusive of the amount appropriated by act of April 19, 1879, entitled "An Act to provide for the organization and support of a normal school at Prairie View (formerly called Alta Vista), in Waller county, for the preparation of colored teachers .....

7500

7500

Building school room out of the general revenue..

800

Recovering dormitory male department .....

500

Recitation and reception room 40x30.....

2000

Library apparatus, etc .....

500

	Year ending Feb'y 29, 1884.	Year ending Feb'y 28, 1885.
Lamps, stores, etc .....	\$300	
Wagon, two horses and harness .....	300	
Enlarging and furnishing laundry .....	500	
Furniture for new house .....	200	
Fencing pasture and farm .....	500	
(Out of general revenue.)		
Extra allowance to increase facilities for the accommodation and preparation of colored teachers to be expended under the direction of the Board of Directors of the A. and M. College.		
For year ending February 29th 1884.....	2500	
For year ending February 28th 1885.....		\$2500

## QUARANTINE.

For pay of Health Officer and miscellaneous purposes, and to meet contingencies that cannot be classified .....	35000	35000
Building and equipment of quarantine stations ..	10000	10000
Purchase of steam tug for quarantine purposes...	15000	

## PENITENTIARY.

For conveying prisoners from counties where convicted, to penitentiary, under contract.....	30000	30000
Purchase of library for Rusk Penitentiary.....	500	
To enable the Penitentiary Board to settle with lessees in case of resumption.....	50000	
To enable the State to resume control of the penitentiaries, and to operate them on State account, or by contract, and to confine as many convicts as practicable within the walls, all the proceeds of the penitentiaries and \$50,000 out of the general revenue for each year, ending respectively, February 29, 1884, and February 28, 1885....	50000	50000
Approved April 16th, 1883.		

## PAYMENT OF PUBLIC DEBT.

*I. Unmatured Bonds.*

For annual interest on State bonds now outstanding .....	244,062 20
Annual sinking fund.....	80,754 60

*II. Matured Bonds.*

For principal of five per cent State bonds belonging to the University fund, issued in 1866 for money borrowed from University fund, now matured and due.....	134,472 26
Interest due and unpaid on said bonds, belonging to the University fund as follows: Interest before adoption of Constitution of 1876, belonging to permanent University fund .....	62,473 58

	Year ending Feby 29, 1884	Year ending Feby 28, 1885.
Interest from 1876 to 1883, belonging to available University fund (\$45,104.57) to be paid out of that half of the proceeds of the sale of the public lands not belonging to the common School fund, as provided by Act of February 23, 1883.	\$45,104 57	
Principal and interest of bonds due common School fund, as validated by an act passed at this session of the Eighteen Legislature, entitled "An Act to provide for the payment of certain debts of the State, out of that half of the proceeds of the sale of public lands not belonging to the common School fund," to be paid out of the fund provided by said Act, viz: {		
Principal.....	402,535 95	
Interest.....	179,538 09	

## CAPITOL BUILDING COMMISSION.

For salary of Commissioners.....	• 3600	\$3600
Salary of Superintendent.....	2500	2500
Salary of Secretary.....	1800	1800
Constructing an office on Capitol grounds for Commissioners, Superintendent and Secretary, one room to contain a vault for plans, records, etc..	1000	
Furniture for office.....	150	
Books, stationery and postage.....	300	300
Fuel and lights.....	100	100
Compensation of designing architect and contingent expenses in connection with the building of the new capitol, the amount of each expenditure to be determined by the Governor, and paid on his order .....	2000	2000

## MISCELLANEOUS.

Pay for stands, pipes and fixtures for temporary capitol, amount due water-works company ....	726 05	
Purchase of the Alamo church lot and building, to be paid on order of the Governor when perfect title is duly executed to the State of Texas, therefor, to be approved by the Governor .....	20000	
Purchase and erection of monument, over the graves of the veterans who fell at Goliad.....	1500	
Purchase and erection of monument over the graves of the veterans who fell at Refugio....	1000	
Purchase of the ground where the graves of the fallen heroes of the battle of San Jacinto are now situated.....	1500	
For the erection of a monument over the graves of the Dawson heroes.....	1000	

The four last named appropriations to be expended under the direction and upon the vouchers of the county judges and treasurers of the several

	Year ending Feb'y 29, 1884.	Year ending Feb'y 28, 1885.
counties where the same are intended to apply.		
Drainage for Temporary Capitol .....	\$150	
Tile foundation drain, 1260 three inch tiles, laying same and replacing surface drain at 3c .....	139 80	
Additional length of waste pipe .....	10	
757½ square yards of cement pavement at \$2 per yard .....	1514 66	
2122½ yards of rough casting, at 30c .....	636 70	
Painting inside and cut stone .....	380	
Hard finish, 12,980 square yards, inside walls....	778 80	
250 feet of 1.2-2 inch hose, at 70c per foot .....	175	
270 feet of 2 inch pipe at 60c per foot .....	160	
520 feet of fencing, iron, at \$5 per foot .....	2600	
Laying and cost of sufficient eight inch petrified clay pipe, say \$1.00 per foot .....	3400	
Planting fifty trees, and repairs on sidewalk .....	100	
Thirty-four wash basins, at \$15 each .....	510	
Urinals and pipe fixtures .....	300	
To pay pensions to veterans, under act of Eighteenth Legislature .....	45000	\$45000

SEC. 2. The near approach of the close of this session, and the fact that the State Government is without any appropriation for its support, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 23, 1883.

Takes effect from passage.



# JOINT RESOLUTIONS.

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No. 1.

## JOINT RESOLUTION

Making an appropriation of four thousand five hundred dollars, to be used in repairing and furnishing the Governor's Mansion.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the sum of four thousand five hundred dollars, or so much thereof, as may be necessary, out of any money in the Treasury not otherwise appropriated, is hereby appropriated, to be expended under the control and direction of the Governor, for repairing and furnishing the Governor's mansion and grounds.

SEC. 2. Whereas the Governor's mansion is now in a condition not fitted for comfortable occupancy, which creates an imperative public necessity and emergency which requires that the constitutional rule be suspended, and this act take effect from and after its passage.

Approved February 2, 1883.

Takes effect from passage.

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No. 2.

## JOINT RESOLUTION

Amending Sections 4 and 6, of Article 7 of the Constitution of the State of Texas.

SECTION 1. Be it resolved by the Legislature of the State of Texas: That sections 4 and 6 Article 7, of the Constitution of the State of Texas, be amended so as to read as follows:

SEC. 4. The lands herein set apart to the Public Free School fund, shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

SEC. 6. All lands heretofore, or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto

is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioner's court of the county. Actual settlers residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal shall be available fund.

SEC. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the second Tuesday in August A. D. 1883, at which time the foregoing amendments shall be submitted for adoption, to the qualified electors of this State.

SEC. 3. That those voting for the adoption of said amendment to Section 4, shall have written or printed on their ballots the words: "For amendment to Section 4, Article 7 of the Constitution;" and those voting against the adoption of said amendment to Section 4, shall have written or printed on their ballots the words: "Against amendment to Section 4, Article 7 of the Constitution," and those voting for the adoption of said amendment to Section 6, shall have written or printed on their ballots the words; "For amendment to Section 6, Article 7, of the Constitution;" and those voting against the adoption of said amendment to Section 6, shall have written or printed on their ballots the words: "Against amendment to Section 6, Article 7, of the Constitution.

Received in office, March 26th, 1883.

NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 26th day of March, A. D. 1883, and was not signed by him or returned to the House in which it originated, with his objections thereto, within the time prescribed by the constitution, and thereupon became a law without his signature.

Takes effect after passage.

[Signed]

JOS. W. BAINES,  
Secretary of State.

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No. 3.

### JOINT RESOLUTION

Requesting Texas Senators and Representatives to urge upon Congress, the settlement of the claims of those who suffered from the burning of the town of Brenham, Texas, in 1866.

WHEREAS a joint select committee of the Senate and House of Representatives of the Legislature of the State of Texas in 1866 who had been appointed to investigate and report the facts connected with the burning of a portion of the town of Brenham in Washington county, Texas, and to recommend the proper action to be had in the matter, on the 28th September 1866, reported that the fire was the work of United

States troops stationed at Brenham and done in a spirit of incendiarism and also for the purpose of pillage; the property which was destroyed and lost amounting in value to \$131,026.00, a full list of which with names of owners and the sworn evidence of witnesses to the facts upon which the report was based and whereas, said committee recommended that our Senators and Representatives in Congress, and the Governor of this State urge upon the Congress of the United States the justice and importance of a settlement of the claims for said property so destroyed, and the removal of said troops, and whereas, no further action was ever taken by the Legislature of this State except to request the removal of said troops, therefore:

SECTION 1. Be it resolved by the Legislature of the State of Texas: That our Senators and Representatives in Congress be requested to urge by bill or otherwise as they may deem best the early settlement of these claims by the United States.

SEC. 2. That the Secretary of State be requested to furnish a copy of these resolutions to each of the Senators and Representatives of Texas in Congress, together with a copy of the official report of said joint select committee with such papers as may accompany the same.

Approved March 31, 1883.

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No. 4.

JOINT RESOLUTION

To amend Section 9, Article 8, of the Constitution of the State of Texas.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That Section 9, Article 8, of the Constitution of the State of Texas be so amended as hereafter to read as follows:

ARTICLE 8.

"SECTION 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not to exceed fifteen cents, for roads and bridges, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of this amendment, and for the erection of public buildings, street, sewer and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided.

SEC. 2. That the Governor of this State be, and he is hereby required to submit the foregoing resolutions to a vote of the qualified electors of this State on the second Tuesday in August, 1883.

SEC. 3. That those voting for the amendment to Section 9, Article 8, of the Constitution, shall have written or printed on their ballots the words, "For amendment to Section 9, Article 8, of the Constitution," and those voting against the adoption of Section 9, Article 8, of the Constitution shall have written or printed on their ballots the words, "Against amendment to Section 9, Article 8, of the Constitution."

Approved April 7, 1883.

No. 5.

## JOINT RESOLUTION

To amend Section 3 of Article 7, of the Constitution of the State of Texas.

SECTION 1. Be it resolved by the Legislature of the State of Texas: That Section 3, of Article 7, of the Constitution of the State of Texas be so amended as to hereafter read as follows:

"SECTION 3. One-fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein; provided, that two-thirds of the qualified property tax paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

SEC. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the second Tuesday in August A. D. 1883, at which time the foregoing amendment shall be submitted for adoption by the qualified electors of this State.

SEC. 3. That those voting for the adoption of the amendment to Section 3, shall have written or printed on their ballots the words "For amendment to Section 3, Article 7, of the Constitution, school tax," and those voting against the adoption of said amendment shall have written or printed on their ballots the words "Against the amendment to Section 3, Article 7 of the Constitution, school tax."

Approved April 7, 1883.

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No. 6.

## JOINT RESOLUTION

Proposing an amendment to Article 5 of the State Constitution diminishing the number of terms of county courts.

SECTION 1. Be it resolved by the Legislature of the State of Texas: That Article 5 of the Constitution of the State shall be amended by adding thereto another section which shall read as follows:

**SECTION 29.** The county court shall hold at least four terms for both civil and criminal business annually as may be provided by the Legislature, or by the commissioners' court of the county under authority of law and such other terms each year as may be fixed by the commissioners court; provided the commissioners court of any county having fixed the times and number of terms of the county court shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided the terms of the county court shall be held on the first Mondays in February, May, August and November and may remain in session three weeks.

**SEC. 2.** This amendment shall be submitted on the 2nd Tuesday in August A. D. 1883.

**NOTE.**--The foregoing resolution was presented to the Governor of Texas for his approval on the 13th day of April, A. D. 1883, and was not signed by him, or returned to the house in which it originated, with his objection thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

[Signed]

JOS. W. BAINES,  
Secretary of State.

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No. 7.

## JOINT RESOLUTION

Requesting the Senators and Representatives in Congress from Texas to use their best efforts in behalf of such an understanding between the Government of the United States and that of the Republic of Mexico, as will establish and maintain efficient quarantine laws, to prevent the spread of infectious and epidemic diseases on the border of the two nations.

**WHEREAS**, the recent yellow fever epidemic on the Rio Grande border has demonstrated the necessity for additional precautionary measures to prevent the introduction of yellow fever into Texas, and the fact that small pox has obtained such a foot hold in the border districts of Mexico, as make it almost impossible to protect our people from its ravages unless measures are adopted by that government to hold it in check,

**AND WHEREAS**, the Republic of Mexico has no quarantine or sanitary system whatever, thereby impairing the efficiency of the quarantine laws of Texas, and from this cause owing to the constant communication existing between the two people, and the close proximity of the towns and ranches, the homes of the people of Texas residing on that border are constantly endangered, causing loss of life, injury to commerce, and expenditures of large sums of money to prevent the spread of infectious diseases on the American side of the Rio Grande; therefore:

**SECTION 1.** Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That our Senators and Representatives in Congress be requested to urge upon the Congress of the United States the imperative necessity of such an understanding between

the government of the United States and Mexico, as will result in the establishment by the government of Mexico of such quarantine laws and sanitary regulations as will prevent the introduction and spread of infectious diseases along the border of the two republics.

SEC. 2. That the Secretary of State be requested to furnish immediately a copy of this joint resolution to each of our Senators and Representatives in Congress.

SEC. 3. The danger of not being able to reach this measure in regular order creates a necessity for suspending the rule requiring it to be read on three several days: and it is so suspended.

Approved April 14, 1883.

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No. 8.

JOINT RESOLUTION

Requiring the Governor to submit all constitutional amendments passed by the 18th Legislature to a vote of the people and fixing the time at which the election shall be held.

SECTION 1. Be it resolved by the Legislature of the State of Texas: That all amendments to the Constitution, passed by the 18th. Legislature shall be submitted to a vote of the people at an election for that purpose to be held on the second Tuesday in August A. D. 1883, unless a different time is fixed in the amendment to be submitted.

SEC. 2. That the Governor shall issue his proclamation calling said election and designating the manner of voting in accordance with Article 17, Section 1, of the Constitution and shall also cause advertisements to be made in accordance therewith.

SEC. 3. The near approach of the close of the session is such an imperative public necessity as justifies the suspension of the constitutional rule requiring this resolution to be read on three several days and said rule is hereby suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

# CONCURRENT RESOLUTIONS.

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## No. 1.

### SENATE CONCURRENT RESOLUTION

Requesting the Senators and Representatives from Texas to aid in the passage of an act to equip and support an agricultural experiment station in each State under the control of the State Agricultural and Mechanical College.

SECTION 1. Be it resolved by the Legislature of the State of Texas: That the Senators and Representatives in Congress aid in the passage of an act to equip and support an agricultural experiment station in each State under the control of the State Agricultural and Mechanical College.

SEC. 2. Be it further resolved that a copy of this resolution be forwarded to each Senator and Representative in Congress from Texas by the Secretary of State.

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## No. 2.

### CONCURRENT RESOLUTION

Requesting Texas Senators and Representatives to secure division of work, on Texas coast in two or more districts and for additional engineer officers.

WHEREAS, the great length of the coast line of Texas, the number of places thereon which are receiving appropriations from the National government have only such limited facilities of communication between them, that it is impossible for any one engineer officer, however capable or efficient, to properly superintend to the best advantage the various works of improvement, which are now being conducted by the National government: and whereas, while all the works at the various points on the coast are of great importance to the immediate sections, as well as to the country at large, yet the works at Galveston and on Buffalo Bayou between the cities of Houston and Galveston—are of such magnitude as to require the constant attention and the entire time and capacity of any one engineer officer; and whereas, it is believed that the best interest of Texas, as well as that of the National government requires that an additional number of engineer officers be assigned to duty at the different works on the coast of Texas, therefore—

SECTION 1. Be it resolved by the Senate of the State of Texas, the House of Representatives concurring; That the Senators and Represen-

tatives from Texas in Congress be and they are hereby requested to take such action as will result in securing a division of the works on the coast of Texas, into two or more districts, and to secure the assignment to duty of an engineer officer to each of said districts, such officer to have charge of the works in said district, and to report directly to the department at Washington.

SEC. 2. Be it further resolved, that the Secretary of State furnish a copy of this concurrent resolution to each of the Texas Senators and Representatives in Congress.

Approved April 7th 1883.

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No. 3.

### CONCURRENT RESOLUTION

Revoking the Leases of the Penitentiaries of the State of Texas

WHEREAS, the Penitentiary Board of the State of Texas did on the 29th day of November A. D. 1882 enter into a contract with Ed. H. Cunningham and L. A. Ellis to let to said Cunningham and Ellis the State Penitentiary at Huntsville on the following terms and conditions, to wit:

State of Texas  
County of Travis.

This indenture or contract of lease, made the twenty ninth day of November A. D. 1882, by and between O. M. Roberts, Governor of the State of Texas, of the first part, and E. H. Cunningham and L. A. Ellis, under the firm name of Cunningham and Ellis of the second part, witnesseth: That the said O. M. Roberts as Governor aforesaid, acting for and in behalf of the State of Texas, and with the concurrence of the Penitentiary Board of said State, and by virtue of the authority vested in him by an act of the Seventeenth Legislature of said State, entitled "An Act to provide for the organization of the State penitentiaries, and the more efficient management of the same" approved March 17th A. D. 1881, and in accordance with the provisions of said act, and for and in consideration of the covenants hereinafter mentioned and agreed to be kept and performed by the said Cunningham and Ellis and their agents and representatives, have granted, demised, leased and hired, and by these presents do grant, demise, lease and hire, unto the said Cunningham and Ellis, lessees, the State Penitentiary, together with all the property of said State, real, personal or mixed, pertaining or incident to said penitentiary, whether within or without the prison walls, and the labor of all the convicts which may, on the first day of January A. D. 1883 and thereafter, be assigned to said penitentiary, whether within or without the prison walls, to have and to hold the said property and labor herein leased unto the said lessees and their representatives for the term of fifteen years, unless sooner determined, as hereafter provided, beginning January 1st A. D. 1883, and ending December 31st A. D. 1897. This lease is made and accepted upon the following terms, conditions, restrictions, limitations, considerations and understandings, to wit:

First. Said lessees shall have the use of all lands, buildings, ma-



Machinery, tools and other property constructed with said penitentiary. They shall also have the use of any unexpended appropriations made by the Legislature, and which the Penitentiary Board now has at its disposal, for the purchase of machinery and for improvements for said penitentiary, which said appropriation the said lessees shall expend, as contemplated, under the direction of said board: said machinery when purchased to be placed in position by said lessees free of cost to the State.

Second. On or before January 1st A. D. 1883, the Superintendent of Penitentiaries shall make an equal and fair division of all the convicts on hand belonging to the State Penitentiary: one-half of whom shall be assigned to the Huntsville penitentiary as inmates thereof, or belonging thereto; and one-half the convicts thereafter received shall also be assigned to said penitentiary. The convicts so assigned to the Huntsville penitentiary are the convicts whose labor is herein contracted: in making such division and assignment, the said Superintendent shall have due regard to the location of said convicts, their terms of service, their trades, crimes color, age, sex, and physical condition, so that as equitable a division as possible be made between the Huntsville and Rusk penitentiaries.

Third. The convicts herein leased include one-half of all the convicts, including that class of convicts contracted by the Penitentiary Board on the fifteenth day of August A. D. 1882, to certain farm labor for term of five years, which said contracts are one-half assigned to said lessees, who hereby agree and bind themselves to assume and carry out in good faith and impartiality the terms and provisions of said contracts, and to do and perform every obligation assumed to be done or performed by the State in said contracts, and to require said contractors to carry out the obligations assumed by them in said contracts. Whatever moneys or considerations accrue to the State by said contracts shall be paid by said lessees: but said lessees shall pay, as hereinafter provided for in other cases, the remuneration for sergeants and guards.

Fourth. In consideration of the lease herein made, said lessees have obligated themselves, and hereby obligate themselves, to pay into the State Treasury at Austin, on or before the thirty-first day of December of each year, the sum of ten thousand dollars (\$10,000.00): that they will, on and after January 1st 1885, in conjunction with the lessees of the Rusk penitentiary, and on such terms as they may agree upon, with the approval of the Penitentiary Board, receive convicts at the county jails and transport them to the penitentiaries free of any cost or charge whatsoever to the State: that they shall furnish everything whatsoever that may be proper and necessary for the support and maintenance of the said penitentiary, and for the comfort, health, protection and security of the convicts belonging thereto, whether within or without the prison walls, including the salaries of all the officers connected with said penitentiary, to-wit: one assistant superintendent, one physician, one chaplain, and one inspector, also one-half the salary of the Superintendent of Penitentiaries, and the compensation of under officers and guards employed by the State Officer, all to be paid as may be directed by the Penitentiary Board: but they shall not be required to pay to under officers and guards any greater compensation than the maximum amounts fixed by the Penitentiary Board before making this lease. Said lessees also agree and bind themselves to furnish suitable and substantial blank books, record books and other books, in which to keep the necessary records, minutes, or accounts pertaining to said penitentiary and its management: also furnish all stationery, blanks, postage, fuel, lights, furni-

ture and other necessities for the offices of the Superintendent, Assistant Superintendent, under keeper and sergeants: also pay for telegrams to or from said officers in regard to matters connected with the administration and management of said penitentiary, provided, they shall not be required to pay more than half the expenses of the office of the Superintendent. Said lessees shall also furnish stationery and postage for the convicts as prescribed by the rules. They also agree, and hereby bind themselves to pay a reward of twenty-five dollars and the actual expenses incurred for the apprehension and return of each escaped convict who may be returned or assigned to said penitentiary. They shall also supply each convict discharged from said penitentiary with a plain suit of citizens clothing, five dollars in money, and railroad transportation, as now required by law. In short, said lessees shall assume and pay all the expenses connected with the administration of said penitentiary which the State would have to pay if it were operated by the State.

Fifth. Said lessees shall work in moderation and treat humanely all the convicts belonging to said penitentiary. They shall make and keep comfortable all cell, buildings, prison houses, prison cars, shops etc, in which convicts are confined and worked, furnishing the necessary stoves, fuel and lights for heating and lighting said buildings: they shall clothe, feed, work and treat said convicts, whether within or without the walls, in accordance with and in strict obedience to the laws, rules and regulations now or hereafter to be enacted in relation thereto and in accordance with the principles and dictates of justice and humanity.

Sixth. Said lessees shall within six months after the commencement of this lease, make all necessary repairs to the buildings, walls, machinery, yards, premises and other property belonging to said penitentiary, whether within or without the walls, or whether used by them or reserved by the State for the use of its officers, and shall keep the same in good repair during this lease. They shall have printed as often as necessary to protect and preserve them, all tin roofs and gutters belonging to said penitentiary. They shall also keep in repair the administration building and superintendent's house and premises belonging to the State, but reserved for the use of its officers. They shall also furnish suitable rooms, beds and food for all under officers and guards connected with said penitentiary. If required, they shall furnish convict clerical help for the officers of the superintendent, assistant superintendent and under keeper. They shall also furnish building tenders, lime for white-washing purposes, the best facilities for cooking the food, washing the clothes and bathing the bodies of the convicts.

Seventh. Said lessees shall take possession of said penitentiary, its property and convicts, on the first day of January A. D. 1883, and on and after that date shall be held responsible therefor under the terms of this lease. As soon as an inventory and appraisement of such property can be made, said lessees shall deliver to the Governor a receipt therefor. Said lessees shall confine and work within the walls of said penitentiary, or at labor near by and incidental to the operation thereof, at least four hundred convicts, said number not to be diminished, but increased yearly in equal numbers, until the number so confined shall reach at least six hundred by January 1st A. D. 1886, and not thereafter to be diminished. The balance, if any, to be worked at outside labor, under such restrictions as may be imposed by the board.

Eighth. Upon the termination of this lease, by limitation or otherwise, the said lessees shall quietly and peacefully surrender, return and

deliver to the State, or to such person or persons as may be designated by the Governor, said penitentiary, and all the property thereto pertaining. For all property returned in good order and repair, said lessees shall be credited with the value thereof, as fixed by appraisement when they receive it: and for all property returned not in good order and repair, the said lessees shall be charged with such amount, to be estimated by appraisers, as will be necessary to place the same in good order and repair: and for all property received from the State and not returned, or not reserved by its officers, the said lessees shall pay the value thereof as fixed by appraisement when received; provided, the said lessees shall not be required to pay for property destroyed by fire or otherwise, not occasioned by the fault of themselves, their agents or employees.

Ninth. If any improvements of a permanent kind are made by said lessees with the consent of the Penitentiary Board, they shall be allowed pay for same, as now provided by law.

Tenth. The right is reserved to the State, through its proper officers, to direct how and at all times and under all circumstances, the convicts whose labor is herein contracted, or leased, shall be lodged, fed, clothed, worked, guarded and treated, and it is distinctly understood and agreed that the control of said convicts does not, under this lease, pass from the State or its officers, and the management of said convicts shall in all cases and under all circumstances remain under such control.

Eleventh. The said lessees shall by themselves, their agents, superintendents and foremen, have the right to direct the labor of the convicts belonging to said penitentiary, but subject to such sanitary and disciplinary instructions as may be prescribed by the rules and regulations: and the said State reserves the right and authority to forbid that said convicts be put to any work which subjects them to any unusual danger to their persons or health, or too much facilitates their chances of escape.

Twelfth. It shall be the duty of the State officers in charge of said penitentiary to require good, faithful work of said convicts, and in accordance with their physical ability to do the same. The hours of labor for convicts under this contract, shall not exceed ten hours per day, to be so arranged that they shall not be turned out of the prison building before daylight, nor remain out after dark, with such exceptions as may be made by the rules.

Thirteenth. The said lessees shall not sub-let nor assign this lease, or any interests therein, without the consent, in writing of the Governor of said State and the Penitentiary Board. If during the existence of this lease, a reformatory is provided by law, then the right is herein reserved, to withdraw such boys from this penitentiary as may be required to be placed in said reformatory, or in case a new penitentiary be provided, then the right is reserved by the State to place a proportionate share of the convicts thereafter sentenced in said penitentiary.

Fourteenth. Before the first day of January A. D. 1893, the said lessees shall execute and deliver to the Governor a bond in the amount of one hundred thousand dollars, with two or more good and efficient sureties, payable to the Governor and his successors in office, and conditioned that said lessees shall faithfully comply with the terms of this lease. If at any time, for any reason, the Governor of said State shall deem any bond given by said lessees insufficient, then, upon written notice and demand from him, they shall within thirty days furnish a new bond, or ad-

ditional sureties satisfactory to said Governor, or in default thereof this contract may be cancelled.

Fifteenth. If the said lessees shall fail to do or perform any of the obligations of this contract, or shall do that which by the terms thereof they are forbidden to do, then the Governor of said State may at any time thereafter declare this agreement forfeited and the lease terminated, but the bond herein provided for shall remain in full force and effect, as to all the conditions intended to secure the State of Texas in this contract.

Sixteenth. This contract is made subject to all the provisions of the laws now in force or hereafter to be passed regulating the organization and management of penitentiaries. It is also subject to the approval or the revocation of the next Legislature.

Witness our hands, day and date above written.

Signed.

O. M. ROBERTS, Governor.

"

ED. H. CUNNINGHAM

"

L. H. ELLIS

We concur in the above contract

(Signed.)

O. M. ROBERTS, Governor

F. R. LUBBOCK, Treasurer

THOS. J. GOREE, Supt. Penity.

Penitentiary Board.

AND WHEREAS the said Penitentiary Board did on the 29th day of November A. D. 1882 enter into a contract with Wm. Morrow, W. R. Hamby, and W. H. Cherry, to let to them, the said Morrow, Hamby and Cherry, the State Penitentiary located at Rusk, on the following terms and conditions, to wit:

The State of Texas  
and

} January 1st 1883.

Morrow, Hamby and Co. }

Lease No. 2.

The State of Texas } This indenture or contract of lease made the  
County of Travis } twenty-ninth day of November A. D. 1882 by and  
between O. M. Roberts, Governor of the State of Texas, of the first part  
and W. Morrow, W. R. Hamby and W. H. Cherry under the firm name  
of Morrow, Hamby and Co. of the second part witnesseth.—That the  
said O. M. Roberts as Governor aforesaid, acting for and in behalf of the  
State of Texas, and with the concurrence of the Penitentiary Board of  
said State, and by virtue of the authority vested in him by an act of  
Seventeenth Legislature of said State, entitled An Act to provide for the  
organization of the State Penitentiaries, and the more efficient management  
of the same, approved March 17th A. D. 1881, and in accordance  
with the provisions of said act, and for and in consideration of the cove-  
nants hereinafter mentioned and agreed to be kept and performed by the  
said Morrow, Hamby and Co. and their agents and representatives, have  
granted, demised, leased and hired, and by these presents do grant, de-  
mise, lease and hire unto the said Morrow, Hamby and Co. lessees of the  
State Penitentiary at Rusk, Texas, known as the Rusk Penitentiary, to-  
gether with all the property of said State, real, personal, or mixed per-  
taining, or incident to said penitentiary, whether within or without the  
prison walls, and the labor of all the convicts which may on the first day  
of January A. D. 1883 and thereafter be assigned to said penitentiary,  
whether within or without the prison walls to have and to hold the said  
property and labor herein leased unto the said lessees and their represen-  
tatives for the term of fifteen years, unless sooner determined as herein-

after provided, beginning January 1st A. D. 1883 and ending December 31st 1897. This lease is made and accepted upon the following terms, conditions, restrictions, limitations, considerations and understandings, to-wit:

First. Said lessees shall have the use of all lands, buildings, machinery, tools, ores, and other property connected with said penitentiary, except woods on State land, which may be used only for fuel for the penitentiary and not for coal for smelting. They shall also have the use of any unexpended appropriations made by the Legislature and which the Penitentiary Board now has at its disposal for purchase of machinery and for improvements of said penitentiary which said appropriations the said lessees shall expend as contemplated under direction of said Board. Said machinery when purchased to be placed in position by said lessees free of cost to the State.

Second. On or before January 1st 1883, the superintendent of penitentiaries shall make an equal and fair division of all the convicts on hand belonging to the penitentiaries one half of whom he shall assign to the Rusk Penitentiary as inmates thereof, or belonging thereto, and one half the convicts thereafter received shall also be assigned to said penitentiary. The convicts so assigned to Rusk penitentiary are the convicts whose labor is herein contracted. In making such division and assignment the said superintendent shall have due regard to the location of said convicts, their term of service, their trades, crimes, color, age, sex and physical condition, so that as equitable a division as possible be made between the Rusk and Huntsville penitentiaries.

Third. The convicts herein leased include one half of all the convicts, including that class of convicts contracted by the Penitentiary Board on the fifteenth day of August 1882 to certain farm labor for term of five years, which said contracts are one half assigned to said lessees, who hereby agree and bind themselves to assume and carry out in good faith and impartiality the terms and provisions of said contracts, and to do and perform every obligation assumed to be done or performed by the State in said contracts and to require said contractors to carry out the obligations assumed by them in said contracts. Whatever moneys or considerations accrue to the State by said contracts shall be paid to said lessees, but said lessees shall pay as hereinafter provided for in other cases the remuneration for sergeants and guards.

Fourth. In consideration of the lease herein made, said lessees have obligated themselves and hereby obligate themselves to pay into the State Treasury at Austin on or before the thirty-first day of December of each year, the sum of ten thousand dollars, that they will, on and after January 1st 1885 in conjunction with the lessees of the Huntsville Penitentiary, and on such terms as they may agree upon, with the approval of the Penitentiary Board receive convicts at the county jails and transport them to the penitentiaries free of any cost or charge whatsoever to the State, that they shall furnish everything whatsoever that may be proper and necessary for the support and maintenance of the said penitentiary and for the comfort, health, protection and security of the convicts belonging thereto, whether within or without the prison walls, including the salaries of all the officers connected with said penitentiary, to-wit:—One assistant superintendent, one physician, one chaplain, and one inspector, also one-half the salary of the Superintendent of Penitentiaries, and the compensation of under officers and guards employed by the State officers, all to be paid as may be directed by the Penitentiary Board, but they shall not be required to pay to under offi-

cers and guards any greater compensation than the maximum amounts fixed by the Penitentiary Board before the making of this lease. Said lessees also agree and bind themselves to furnish suitable and substantial blank books, record books and other books in which to keep the necessary records, minutes or accounts pertaining to said penitentiary and its management, also furnish all stationery, blanks, postage, fuel, lights, furniture and other necessities for the offices of the Superintendent and Assistant Superintendent, under keeper, and sergeants, also pay for telegrams to or from said officers in regard to matters connected with the administration and management of said penitentiary, provided, they shall not be required to pay more than half the expenses of the office of the Superintendent. Said lessees shall also furnish stationery and postage for the convicts as prescribed by the rules. They also agree and hereby bind themselves to pay a reward of twenty-five dollars and the actual expenses incurred for the apprehension and return of each escaped convict who may be returned or assigned to said penitentiary. They shall also supply each convict discharged from said penitentiary with a plain suit of citizen's clothing, five dollars in money and railroad transportation as now required by law. In short said lessees shall assume and pay all the expenses connected with the administration of said penitentiary which the State would have to pay if it were operated on State account.

Fifth. Said lessees shall work in moderation and treat humanely all the convicts belonging to said penitentiary. They shall make and keep comfortable all cell buildings, prison houses, prison cars, shops etc, in which convicts are confined and worked, furnishing the necessary stoves, fuel and lights for heating and lighting said buildings. They shall clothe, feed, work and treat said convicts whether within or without the walls in accordance with and in strict obedience to the laws, rules and regulations, now or hereafter to be enacted in relation thereto, and in accordance with the principles and dictates of justice and humanity.

Sixth. Said lessees shall within six months after the commencement of this lease, make all necessary repairs to the buildings, walls, machinery, yards, premises and other property belonging to said penitentiary, whether within or without the walls, or whether used by them or reserved by the State for the use of its officers, and shall keep the same in good repair during this lease. They shall have painted as often as necessary, to protect and preserve them, all the tin roofs and gutters belonging to said penitentiary. They shall also keep in repair the administration building belonging to the State, but reserved for the use of its officers. They shall also furnish suitable rooms, beds and food for all under officers and guards connected with said Rusk penitentiary. If required, they shall furnish convict clerical help for the offices of the superintendent, assistant superintendent and under keeper. They shall also furnish building tenders, lime for whitewashing purposes, the best facilities for cooking food, washing the clothes and bathing the bodies of the convicts.

Seventh. Said lessees shall take possession of said penitentiary, its property and convicts, on the first day of January A. D. 1883, and on and after that date, shall be held responsible therefor under the terms of this lease. As soon as an inventory and appraisalment of such property can be made, said lessees shall deliver to the Governor a receipt therefor. Said lessees shall confine and work within the walls of said penitentiary, or at labor near by and incidental to the operation thereof, at least three

hundred convicts said number not to be diminished, but increased yearly in equal numbers until the number so confined shall reach at least eight hundred by January 1st 1886, and not thereafter to be diminished, the balance, if any, to be worked at outside labor under such restrictions as may be imposed by the board.

Eighth. Upon the termination of this lease by limitation or otherwise, the said lessees shall quietly and peaceably surrender, return and deliver to the State, or to such person or persons as may be designated by the Governor, said penitentiary, and all the property thereto pertaining. For all property returned in good order and repair, the said lessees shall be credited with the value thereof as fixed by appraisement when they so received it, and for all property returned not in good order and repair the said lessees shall be charged with such amount, to be estimated by appraisers as will be necessary to place the same in good order and repair, and for all property received from the State and not returned, or not reserved by its officers, the said lessees shall pay the value thereof, as fixed by appraisement when received, provided, the said lessees shall not be required to pay for property destroyed by fire or otherwise, not occasioned by the fault of themselves, their agents or employees.

Ninth. If any improvements of a permanent kind are made by said lessees with the consent of said Penitentiary Board, they shall be allowed pay for same as now provided by law.

Tenth. The right is reserved to the State through its proper officers to direct how, and at all times and under all circumstances, the convicts whose labor is herein contracted or leased shall be lodged, fed, clothed, worked, guarded and treated, and it is distinctly understood and agreed that the control of said convicts does not under this lease pass from the State, or its officers, and the management of said convicts shall in all cases and under all circumstances remain under such control.

Eleventh. The said lessees shall by themselves, their agents, superintendents and foreman have the right to direct the labor of the convicts belonging to said penitentiary, but subject to such sanitary and disciplinary instructions as may be prescribed by the rules and regulations, and the said State reserves the right and authority to forbid that said convicts be put to any work which subjects them to any unusual danger to their persons or health or too much facilitates their chances for escape.

Twelfth. It shall be the duty of the State officers in charge of said penitentiary to require good, faithful work of said convicts and in accordance with their physical ability to do the same. The hours of labor for convicts under this contract shall not exceed ten hours per day, to be so arranged that they shall not be turned out of the prison building before daylight, nor remain out after dark with such exceptions as may be made by the rules.

Thirteenth. The said lessees shall not sub-let nor assign this lease or any interest therein without the consent, in writing of the Governor of said State, and the Penitentiary Board. If during the existence of this lease a reformatory is provided by law, then the right is herein reserved to withdraw such boys from this penitentiary as may be required to be placed in said reformatory, or in case a new penitentiary be provided, then the right is reserved by the State to place a proportionate share of the convicts thereafter sentenced in said penitentiary.

Fourteenth. Before the first day of January A. D. 1883 the said lessees shall execute and deliver to the Governor a bond in the amount of one hundred thousand dollars with two or more good and sufficient sure-

ties, payable to the Governor and his successors in office and conditioned, that said lessees shall faithfully comply with the terms of this lease. If at any time for any reason the Governor of said State shall deem any bond given by said lessees insufficient, then upon written notice and demand from him, they shall within thirty days furnish a new bond or additional sureties satisfactory to said Governor or in default thereof this contract may be cancelled.

Fifteenth. If the said lessees shall fail to do or perform any of the obligations of this contract or shall do that which by the terms thereof, they are forbidden to do, then the Governor of said State may at any time thereafter declare this agreement forfeited and the lease terminated, but the bond herein provided for, shall remain in full force and effect as to all the conditions intended, to secure the State of Texas in this contract.

Sixteenth. This contract is made subject to all the provisions of the laws now in force or hereafter to be passed regulating the organization and management of penitentiaries.

It is also subject to the approval or the revocation of the next Legislature.

Witness our hands day and date above written.

Signed.

O. M. ROBERTS Governor

W. R. HAMBY

WILLIAM MORROW

W. H. CHERRY.

We concur in the above contract.

Signed.

O. M. ROBERTS Governor,

F. R. LUBBOCK Treasurer

THOS. J. GOREE, Supt Penity.

Penitentiary Board.

Therefore be it resolved by the Senate the House concurring that the said leases be and they are hereby in all things revoked and cancelled.

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#### No. 4.

Resolved that a committee, consisting of three members of the Senate and three from the House, be appointed to prepare an address to the people touching the Constitutional amendments adopted by the Eighteenth Legislature, giving the reasons for the changes thereby proposed in the organic law, and the explanation of their purposes, to the end that the great body of the people may be fully informed with reference thereto, and be better enabled to vote understandingly upon the question of their adoption or rejection.

Approved April 14, 1883.



THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, Jos. W. BAINES, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing Laws and Joint Resolutions, passed by the Eighteenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Eighteenth Legislature of the State of Texas convened at the city of Austin on the ninth day of January, A. D. 1883, and adjourned on the thirteenth day of April, A. D. 1883.

[L. s.]

IN TESTIMONY WHEREOF, I hereunto sign my name and affix the seal of the State of Texas, at the city of Austin, on this the thirteenth day of May, A. D. 1883.

JOS. W. BAINES,  
*Secretary of State.*



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SPECIAL LAWS  
OF THE  
STATE OF TEXAS.

PASSED AT THE  
Regular Session of the Eighteenth Legislature,

CONVENED AT THE  
CITY OF AUSTIN,

JANUARY 9, 1883, AND ADJOURNED APRIL 13, 1883.

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BY AUTHORITY OF THE STATE OF TEXAS.

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An Act to amend sections three (3), four (4), five (5), six (6), eleven (11), fourteen (14), fifteen (15), sixteen (16), eighteen (18), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-six (26), twenty-eight (28), twenty-nine (29), thirty (30), fifty-one (51), fifty-two (52), eighty-two (82), ninety (90), ninety-one (91), one hundred and seventeen (117), one hundred and twenty-seven (127), one hundred and twenty-eight (128), one hundred and thirty-five (135), one hundred and forty (140), one hundred and forty-two (142), one hundred and forty-seven (147), one hundred and forty-eight (148), one hundred and fifty-one (151), one hundred and fifty-seven (157), one hundred and fifty-eight (158), one hundred and fifty-nine (159), one hundred and sixty-one (161), one hundred and seventy (170), and one hundred and seventy-one (171), of an act to incorporate the city of Galveston and to grant a new charter, approved August 2nd, 1876, and amended by act of Legislature, approved April 5th, 1881..... 1

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# SPECIAL LAWS.

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## No. 1.

**An Act to amend Sections three (3), four (4), five (5), six (6), eleven (11), fourteen (14), fifteen (15), sixteen (16), eighteen (18), twenty (20), twenty one (21), twenty two (22), twenty three (23), twenty six (26), twenty eight (28), twenty nine (29), thirty (30), fifty one (51), fifty two (52), eighty two (82), ninety (90), ninety one (91), one hundred and seventeen (117), one hundred and twenty seven (127), one hundred and twenty eight (128), one hundred and thirty five (135), one hundred and forty (140), one hundred and forty two (142), one hundred and forty seven (147), one hundred and forty eight (148), one hundred and fifty one (151), one hundred and fifty seven (157), one hundred and fifty eight (158), one hundred and fifty nine (159), one hundred and sixty one (161), one hundred and seventy (170), and one hundred and seventy one (171), of an act to incorporate the city of Galveston and to grant a new charter; approved August 2nd, 1876 and amended by act of Legislature approved April 5th 1881.**

**SECTION 1.** Be it enacted by the Legislature of the State of Texas: That Section three (3) of said act be, and the same is hereby amended, so that hereafter it shall be as follows, to wit;

**SECTION 3.** The municipal government of the city shall consist of a city council, composed of the mayor, and one alderman from each ward. A majority of the aldermen elected shall constitute a quorum for the transaction of business, except at called meetings, or meetings for the imposition of taxes, when three fourths of the aldermen elected shall be required unless herein otherwise specified.

The other officers of the corporation shall be a recorder, a treasurer, an assessor, a collector, a clerk, a chief of police, an engineer (who shall also be superintendent of streets), an attorney, an auditor, a health physician and such other officers and agents as the city council may from time to time direct: All of whom except the mayor, aldermen, clerk, and chief of police shall be elected by ballot by the aldermen at a meeting to be held on the third Monday in March in each year, upon the nomination of the mayor: or in case no person shall then be nominated by him, or if the person so nominated shall not be elected, then as soon thereafter as possible, upon the nomination of the mayor. The clerk and chief of police shall be appointed by the mayor on the third Monday in March in each year or as soon thereafter as possible. All of said officers so nominated, and elected shall hold their offices until the third Monday in March thereafter and until the nomination, and election and qualification of their successors: and in such election a majority of all the aldermen elected shall be necessary to a choice. The officers appointed by the mayor as aforesaid, shall hold their offices until the third Monday in March thereafter, unless earlier removed by the mayor, or by the city council under the au-

thority vested in it by section one hundred and fifty five (155) hereof; and until the appointment by the mayor, and qualification of their successors.

SEC. 2. That Section four (4), of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit;

SEC. 4. Elections for mayor and aldermen shall be held biennially, on the first Monday in March, at such place and places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city. Said election shall be ordered by the city council, or mayor. For the purpose of holding such elections, and others ordered, the city council shall appoint biennially, in April or earlier, in each ward some competent and suitable person, who shall be the presiding officer at all elections held in his ward. The presiding officer in each ward shall elect two judges and two clerks, who with the presiding officer shall be managers of the election. The presiding officers and judges must be qualified voters in the city. The city council shall provide for their compensation, and by ordinance, regulate and define their powers and duties, and determine the hours of opening and closing the polls. The mayor, whenever an election is ordered, shall give the required notice and issue to the presiding officer a writ of election; and every published notice of election shall state the officer, or officers to be elected, the place where the election will be held and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses or neglects to act, or the city council have failed to appoint, the mayor shall appoint; and in case no appointed presiding officer appears to open the polls, the attending qualified electors at the place for holding such election may appoint such officer, who shall perform the same duties and shall have like power and authority to act as a first appointee; but in such case the managers in their returns or otherwise, shall certify that the presiding officer failed to attend, or neglected to act and that the person acting as such was duly chosen by the electors present; *provided*, that if from any cause an election cannot be, or is not held on the day aforesaid, such election shall be held as soon thereafter as the order can be made and the necessary notice given. And the city council shall have full authority to designate the day for such election; and *provided further*, that the presiding officer, for the first election under this act, may be appointed at any time prior to such election.

SEC. 3. That Section five (5) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SEC. 5. At the first biennial election there shall be elected, by the qualified voters of said city, voting by ballot, a mayor, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified; at the same time there shall be elected one alderman from each ward of the city by the qualified voters of such ward, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified. The person receiving the highest number of votes in the whole city for mayor shall be declared elected; and the person receiving the highest number of votes cast for alderman in their respective wards, shall be declared elected. In case the person elected mayor shall refuse to accept the office, the city council, mayor or acting mayor shall order another election; and in case of a vacancy in the office of mayor by death, resignation, removal or otherwise, it shall be filled for the remainder of the term by a new election, to be ordered by the city council, or acting mayor. And



in case of vacancy in the office of alderman by a refusal to accept or qualify, or by death, resignation, removal or otherwise, the city council, mayor or acting mayor shall order a new election to fill the residue of the unexpired term; and all special elections shall be conducted in the same manner as is herein provided for the biennial election; *provided*, that in special elections, five days notice thereof shall be deemed sufficient.

SEC. 4. That Section six (6) of said act be and the same is hereby amended so that hereinafter it shall be as follows, to-wit:

SEC. 6. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of the poll list, canvassing of the votes, and certifying the returns, shall be the same as nearly as may be, as is now, or may hereafter be provided by law at general State elections; *provided*, the city council shall have full power and authority to regulate elections and pass all ordinances in relation thereto, not inconsistent with the general laws of the State which they may deem proper and necessary, and to prescribe what action shall be had in the event of there being no biennial election, or a failure to elect the officers, or any of them, for which any election was ordered; and to prescribe the manner and mode of determining contested elections. The voting shall be by ballot, and the managers shall take the same oath and shall have the same power and authority as the managers of general State elections. After closing the polls the ballots shall be counted in the manner required by law; and the returns, including the ballots, shall be returned to the city clerk within three days after the election; and within five days from the election, the city council shall meet and canvass the same and declare the result of the election; or, failing to meet at the specified time, shall proceed to canvass said returns at the next subsequent meeting. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment and unless said persons shall respectively qualify within five days thereafter the office shall become vacant, except in case of sickness or unavoidable accident. The city council shall meet at the usual place of meeting at 4 o'clock p. m., on the second Wednesday after the first Monday of March, or as soon thereafter as possible and the newly-elected members shall be installed under the provisions of this act.

SEC. 5. That Section (11) eleven of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SEC. 11. Every person elected by the voters of said city, or by the city council on the nomination of the mayor, or appointed by the mayor to fill any office under this act shall before he enters on the duties of his office, take and subscribe the official oath prescribed in the Constitution of this State; and the city council may by ordinance require such additional oath as they may deem best calculated to secure faithfulness in the performance of their duties by such officers.

SECTION 6. That Section fourteen (14) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 14. The mayor shall preside over the meetings of the city council, but shall have no vote unless there is a tie, in which case he shall give the casting vote. He shall have like power with a justice of the peace, to administer oaths of office, and also all oaths and affirmations and to give certificates thereof. He shall possess and execute in the city, in criminal cases, all the powers and duties of a justice of the peace. He shall be compensated for his services by a salary of thr

thousand dollars per annum payable at stated periods, and shall receive such fees as may be allowed by law, which fees shall be paid into the city treasury. He shall have power to remove any officer holding office under the appointment of the mayor and any member of the police force, and to suspend any officer (except alderman) holding an office created by this charter, or any ordinance of the city, under any authority other than that of appointment by the mayor. He may fill by appointment any vacancy occasioned by the exercise of his said power of removal. He may fill by appointment any vacancy occasioned by the exercise of his said power of suspension, until the cause of such suspension can be acted on by the city council, and may fill by appointment any vacancy so occasioned. He shall have authority in case of a riot, or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling shop, bar room, or other place of resort, or public room or building and may order the arrest of any person violating in his presence the laws of the State, or any ordinance of the city; and he shall perform such other duties, and possess and exercise such other power and authority as may be prescribed and conferred by the city council.

SEC. 7. That Section fifteen (15) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION. 15. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the aldermen shall appoint by ballot, by a majority of all the aldermen present, one of their number to act in his stead, whose official designation shall be acting mayor: and the alderman so appointed shall be invested with all the powers and shall perform all the duties of mayor of the city, and shall receive the salary of mayor during such vacancy: *provided*, it shall continue for ten days or longer; and during that time the mayor shall receive no salary. And during such temporary exercise of the functions of mayor, it shall be the duty of the acting mayor to daily report his presence at the city clerk's office, and he shall continue to exercise such functions until such time as the mayor shall report in person at the city clerk's office and duly record his presence in writing, or until the acting mayor shall be removed by the aldermen, as provided by this charter; but he shall not vote as an alderman while acting as mayor.

SEC. 8. That Section sixteen (16) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 16. All ordinances and resolutions adopted by the city council, and all acts of the council authorizing or making any contract, grant or concession, whether such act be had or passed in response to petition or proposition, or in any other manner whatsoever, and irrespective of the form of such acts, shall be subject to veto by the mayor. Such ordinances, resolutions and acts of the council, together with such papers as may pertain thereto, shall be placed in the office of the city clerk, and if the mayor approve thereof he shall endorse the same, "approved," and sign his name to such endorsement, and thereupon such ordinances, resolutions and acts shall go into effect. If the mayor shall fail to approve any such ordinance, resolution or act for a longer period than five days after it shall be placed in the clerk's office, it shall go into effect, unless he shall have within said period, signified his disapproval thereof, by returning it to the clerk's office, together with his written objections thereto, for the consideration of the city council. The vote by which

any ordinance, resolution or act so disapproved by the mayor was passed, shall be reconsidered by the city council either at the next regular meeting thereof held after such disapproval is filed in the clerk's office, or at a special meeting called earlier for that purpose, and if after such reconsideration, two-thirds of the aldermen elected agree to pass such ordinance, resolution or act, it shall be in force, but not otherwise. No ordinance, resolution or act appropriating money, or authorizing or making any contract, grant or concession involving an appropriation of money, or a relinquishment of any property, right, interest, or franchise shall be passed or had by the city council except by a vote of two-thirds of the aldermen elected cast therefor.

SEC. 9. That Section eighteen (18) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 18. The chief of police shall, either in person or by deputy attend upon the recorder's court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court. He shall be the chief police officer of the city under the mayor. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorders, and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the country and he shall have authority to take suitable and sufficient bail for the appearance before the recorder's court, of any person charged with an offence against the ordinances and laws of the city. It shall be his duty to arrest all violators of the public peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct or disturbances whatsoever. To prevent a breach of the peace, or preserve quiet and good order, he shall have authority to close any theatre, bar room, ball room, drinking house or any other place or building of public resort; and in the prevention and suppression of crime and arrest of offender, he shall have, possess and execute like power, authority and jurisdiction as a sheriff of a county under the laws of the State. He shall receive a salary of two thousand dollars per annum. The chief of police shall give such bond for the faithful performance of his duties as the city council may require and he shall perform such other duties and possess such other powers, rights and authority as the city council may, by ordinance require and confer, not inconsistent with the Constitution and laws of this State, or the provisions of this act.

SEC. 10. That Section (20) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 20. That it shall be the duty of the city clerk to attend every meeting of the city council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose; to engross and enroll all laws, resolutions and ordinances of the city council: to keep the corporate seal; to take charge of, preserve and keep in order all books, records, papers, documents and files of said council: to countersign all commissions issued to the city officers, and licenses issued by the mayor; and to keep a record or register thereof, and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer, to be signed by the mayor, and by the auditor, and countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall also be clerk of the recorder's court, and shall have custody of all books and papers belonging to said

court. He shall make out all process and writs, and enter upon a docket all complaints for violation or infraction of city ordinances before the recorder, and his judgement and sentence therein. He shall have power and authority to administer all oaths and affirmations. The city clerk shall be the general accountant of the corporation, and shall keep in books regular accounts of the real, personal and mixed property of the city, of all receipts and disbursements of the city and separately, under proper heads each cause of receipt and disbursement. And also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and all evidence of debt due and payable to it, noting the particulars thereof, and of all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance, resolution or order of the city council. He shall receive for his services a salary of eighteen hundred dollars per annum; and for the faithful discharge of his duties he shall give bond, with good security to the city, for such sum as may be required by the city council, not less than two thousand dollars.

SEC. 11. That Section twenty one (21) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit;

SECTION 21. The treasurer of said city shall give bond in favor of the city of Galveston, in such amount and in such form as may be required by the city council, not less than fifty thousand dollars, and with sufficient sureties, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same, upon the order of the mayor, attested by the clerk, and auditor and the seal of the corporation. He shall render a full and correct statement of his receipts and payments to the city council at their regular meeting in every quarter and whensoever at other times he may be required by them to do so; and at the end of every half year he shall cause to be published, at the expense of the city, a statement showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the treasury; and he shall do and perform such other acts as the city council may require; and for his services he shall receive such salary as shall be fixed by the city council, not to exceed twelve hundred dollars per annum.

SEC. 12. That Section twenty two (22) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 22. That the assessor of the city shall make up all the assessments of all property taxed by the city, including license and occupation taxes and make rolls thereof, and on completion of the rolls, and when accepted by the city council, after twenty days public notice, shall deliver such assessment rolls to the collector, and the inventory lists to the auditor; provided, also, that supplemental rolls may be handed in from time to time, as may be prescribed by ordinance. The collector shall collect all taxes due the city, and in the event of non payment of any taxes or licenses, shall proceed to sell property to raise the amount of taxes so due, and shall in the performance of his duties observe the provisions of this act and the ordinance of the city relating thereto. He shall give bonds in such amount and in such form as the city council may provide, not less than twenty five thousand dollars, with good and sufficient sure-

ties; and the city council may require a new bond whenever in their opinion the existing bond is insufficient; and whenever such bond is required he shall perform no official act until said bond shall be given and approved. He shall, at the expiration of every week, pay to the treasurer all money by him collected, and shall report to the city council at the first meeting of that body in every month, all moneys so collected and paid, and he shall perform all such other duties, and in such manner and according to such rules and regulations as the city council may prescribe. The assessor shall receive for his services an annual salary or commission not to exceed two thousand dollars; and shall give security to the city for the faithful discharge of his duties in an amount not less than ten thousand dollars. The collector shall receive for his services an annual salary or commission not to exceed twenty four hundred dollars, and shall give bond, with good security, to the city for such sum as may be required by the city council, not less than twenty five thousand dollars. The assessor is authorized to require the owners of all property subject to taxation to render a correct account of the same under oath, to be administered by him.

SEC. 13. That section twenty three (23) of said act be and the same is hereby amended so that it shall hereafter be as follows, to wit;

SECTION 23. It shall be the duty of the auditor to examine in detail all bills, accounts and claims against the city, and if found correct, sign his name in approval; but if found incorrect, he shall return them to the appropriate committee, or the city council, with his objections thereto. It shall also be his duty to examine the books of all the officers of the city, and if they should be found incorrect, to make a report of the same to the city council. It shall also be his duty to act as assistant to the city clerk, and he shall render such other services from time to time as the city council may direct, and shall receive for his services such compensation as the city council may determine, not to exceed eighteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars.

SEC. 14. That Section twenty six (26) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 26. The city council shall hold stated meetings, and the mayor may of his own motion, or on the application of three aldermen, call special meetings by notice to each of the members of said council, served personally or left at their usual place of abode; provided, that in case of emergency, such as the inability of the mayor, because of serious sickness, or absence from the city, or in the event of the death of the mayor, the city clerk shall, on the application of three aldermen, call a meeting of the council. Petition and remonstrances may be presented to the council in writing only; and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and punish them for disorderly conduct; and with the concurrence of two thirds of the aldermen elected may expel a member.

SEC. 15. That Section twenty eight (28) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 28. That the city council shall not borrow for general or special purposes more than fifty thousand dollars (\$50,000) in any one year; provided, that this restriction shall not be construed as a limitation upon the power of the council to create and maintain an indebtedness on the part of said city, for all purposes, general and special, not exceeding

in the aggregate the amount of indebtedness authorized by section 132 of this act.

SEC. 16. That Section twenty nine (29) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 29. The city council shall have power to appropriate money to provide for the payment of debts and expenses of the city. In the month of November of each year it shall make a careful estimate of all the probable revenues of the city for the ensuing year, and shall provide for the disbursement and expenditure of the same, as follows:

First.—It shall set apart and appropriate to the payment of the interest upon outstanding bonds such amounts as shall have been prescribed by ordinances for that purpose; and shall also set apart and appropriate to the creation and maintenance of sinking funds, for the redemption of said bonds, such amounts as shall have been prescribed by ordinances for that purpose; which said sinking funds shall be invested in bonds of said city in bonds of the State of Texas, or in bonds of the United States as said council may from time to time determine.

Second.—It shall reserve a fund of twenty five thousand dollars, to be used only in cases of extraordinary emergency, which could not have been foreseen before their occurrence; but in no event to be used for the ordinary expenses of the city; and whenever there shall remain unexpended any portion of such reserve fund, the same shall constitute a part of such reserve fund for the next ensuing year.

Third.—It shall apportion the remainder of the estimated revenue to the several departments of the city government for its general expenses. Any member of the city council who shall knowingly vote for, or in any manner aid or promote the passage or adoption of any ordinance, resolution or other act of the city council, increasing the appropriations for the expenses of the city beyond the estimate aforesaid, unless the actual revenues shall have exceeded such estimate, and in such event beyond such actual revenues, shall thereby vacate his office and shall be deemed guilty of malfeasance in office and upon conviction thereof, shall be punished in the manner and to the extent provided in section thirty one (31) of this act.

SEC. 17. That Section thirty (30) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 30. If the mayor or acting mayor shall sign any warrant, draft, or order for money upon the city treasurer when there are no funds in the treasury to pay the same, the officer so signing such warrant, draft, or order shall be liable to removal from office.

SEC. 18. That Section fifty-one (51) of this act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 51. To establish standard weights and measures to be used within the city, in all cases not otherwise provided for by law. To require all traders and dealers in merchandise, or property of any description, which is sold by weight or measure, to cause their weights and measures to be tested and subjected to inspection in such manner as may be by ordinance prescribed.

SEC. 19. That Section fifty-two (52) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 52. To regulate the inspection of beef, pork, flour, meal, salt and other provisions; whisky and other liquors to be sold in barrels, hogsheads, and other vessels, and packages, and of gas metres; to appoint weighers, gaugers and inspectors; and prescribe their duties and

regulate their fees; provided, that such officers shall be entitled to no fees, unless required to exercise the duties of their office, by and at the request of the parties purchasing, selling, or owning such articles; provided, that public weighers appointed by the Governor under authority of the Legislature for the city of Galveston, shall in no way be interfered with, and the produce which they were appointed to weigh, shall not be weighed by the city weighers.

SEC. 20. That Section eighty-two (82) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 82. The city council shall have power to provide by ordinance for the assessing and collection of taxes aforesaid, and to determine when taxes shall be paid by corporations, and when by the individual corporators; provided, no tax shall be levied unless by consent of two-thirds of the aldermen elected. The license and occupation taxes shall be assessed by the assessor and collected by the collector, and shall be paid to that officer by each and every person and firm owing such license, and before engaging in any trade, profession, business, calling, vocation, or occupation, subject to said tax: that if any person shall engage in any business, calling, vocation, or occupation, which by an ordinance of said city is subject to a license tax, without first having obtained said license, he, she or they shall be liable to imprisonment, and a fine of ten dollars for each day such violation of said ordinance may continue; and this section shall apply to all persons owing any license and failing to pay the same. Said tax levied as herein provided shall not be construed to be a tax on property within the meaning of Section 79 of this act.

SEC. 21. That Section ninety (90) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 90. Every person, partnership, and corporation, owning property within the limits of the corporation shall, within two months after published notice, hand into the assessor of the city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation, on the first day of January, of the current year, verified as required by ordinance; and any person failing or refusing to comply with the provisions of this section, shall be liable to fine and imprisonment, and the city council shall, by ordinance, clearly define the duties of tax payers herein, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon.

SEC. 22. That Section ninety one (91) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 91. That it shall be the duty of the city council annually, at such time as they may determine, to appoint three commissioners, each being a qualified voter and the owner of real estate in said city to the value of three thousand dollars, who shall be styled the Board of Appraisalment, and whenever the party rendering property for assessment and the assessor cannot agree on the valuation of such property, it shall be referred to said board, and their action in appraising the same shall be final; provided, that at the meeting of said board the owner of the property shall be heard, and due notice of the meeting and session of said board shall be given by publication for ten days. Said board shall also appraise all property assessed as unknown or undrendered, and such appraisalment shall be final. The city council shall allow said board such compensation for their services as they may think just and reasonable.

No person connected with the city government shall be appointed on said board, and any vacancy shall be filled by the council.

SEC. 23. That Section one hundred and seventeen (117) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 117. There shall be created a Board of Health which shall consist of six citizens, one from each two contiguous wards, extending from bay to gulf, and three practicing physicians from the city at large, all of whom shall be taxable inhabitants of the city. Five members of the board shall constitute a quorum. They shall be appointed by the mayor with the approval of a majority of the city council, at their first annual meeting, or as soon thereafter as practicable, at a regular meeting. One physician and two citizens shall be appointed for three years, one physician and two citizens for two years, and one physician and two citizens for one year; and annually thereafter the mayor, with like approval, shall appoint one physician and two citizens to be members of the said board for the term of three years, and all vacancies shall be filled in like manner, for unexpired terms. And they shall be subject to suspension or removal as in cases of other officers of the city.

SEC. 24. That Section one hundred and twenty-seven (127) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 127. The city council shall be invested with full power and authority to grade, shell, repair, pave, or otherwise improve any avenue, street or alley, or any portion thereof, within the limits of said city, whenever by a vote of two-thirds of the aldermen elected they may deem such improvement for the public interest; provided, the city council pay one-third and the owners of the property two-thirds thereof; except the intersection of the streets from lot to lot across the streets, either way, shall be paid by the city alone. Said two-thirds of said costs to be paid by the owners of the property fronting on said thoroughfares, shall be assessed on, or against said property and collected by the city whenever such improvement is completed and accepted by the city council: provided, further, that not more than twenty thousand (20000) superficial yards of such thoroughfares shall be filled, graded and shelled, or filled graded and paved, in any one year.

SEC. 25. That Section one hundred and twenty-eight (128) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 128. That the city council before beginning any such improvements, shall, for the purpose of acquiring the most reliable information practicable, of the probable cost thereof, cause an estimate to be made of said probable cost by the city engineer, or by some other officer of the city, or by a committee of aldermen; and such officer, or committee, shall also report a full list of all fronting lots or fractional lots with number and size of same, and number of block in which situated, and the names of the owners thereof, and such other information as may be required by the city council; and if there be any lot or fractional lot, the owner whereof is not known, the same shall be entered on said list as unknown; and said officer or committee shall enter in said list, opposite each lot or fractional lot, lying and being on each side of the street, avenue, or alley the improvement whereof is contemplated, one-third of the estimated expense of such work or improvement on such avenue, street or alley, fronting, adjoining, or opposite such lot or fractional lot: upon



consideration of said report of said officer or committee, the council shall determine whether or not the said work or improvement shall be made, and shall proceed accordingly; when said work or improvement is ordered by the council, and shall have been completed, the council shall cause an accurate report of the cost thereof to be made by said officer or committee. As part of said report, said officer or committee shall present a list of the lots or fractional lots lying and being on each side of the street, avenue, or alley so improved, and upon such list of lots or fractional lots shall be entered opposite each lot or fractional lot, one-third of the actual cost and expense of such work or improvement on said avenue, street or alley, fronting, adjoining, or opposite such lot or fractional lot; and upon the acceptance and approval of said report and list by the city council, said amounts shall be imposed, levied and assessed by the city council on said lots or fractional lots respectively, and collected by the collector, and shall be a lien upon the property until paid.

SEC. 26. That Section one hundred and thirty-five (135) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 135. The territory contained within the boundary of the city of Galveston shall be divided into twelve wards, as follows: The first ward shall contain all the territory lying north of Avenue G, and east of Thirteenth street. The second ward shall contain all the territory lying north of Avenue G, between Thirteenth and Seventeenth streets. The third ward shall contain all the territory lying north of Broadway, between Seventeenth and Twenty-first streets. The fourth ward shall contain all the territory lying north of Broadway, between Twenty-first and Twenty-fifth streets. The fifth ward shall contain all the territory lying north of Broadway, between Twenty-fifth and Twenty-ninth streets. The sixth ward shall contain all the territory lying north of Broadway, between Twenty-ninth street and the western boundary of the city. The seventh ward shall contain all the territory lying south of Broadway, between Twenty-ninth street and the western boundary of the city. The eighth ward shall contain all the territory lying south of Broadway, between Twenty-fifth and Twenty-ninth streets. The ninth ward shall contain all the territory lying south of Broadway, between Twenty-first and Twenty-fifth streets. The tenth ward shall contain all the territory lying south of Broadway, between Seventeenth and Twenty-first streets. The eleventh ward shall contain all the territory lying south of Avenue G, between Thirteenth and Seventeenth streets. The twelfth ward shall contain all the territory lying south of Avenue G, and east of Thirteenth street; provided, that the city council of said city shall have power from time to time to cause a division of said city to be made into as many wards (not less than twelve) as they may deem necessary and for the good of the inhabitants of said city: but no such division shall be made, unless it be done at least three months preceding the city election next ensuing; and said wards so established shall contain, so far as practicable, an equal number of voters; provided, that if any vacancy shall occur in the office of aldermen, while such division is being made, said vacancy shall be filled from the ward where said vacancy occurs, as is now provided by law.

SEC. 27. That Section one hundred and forty (140) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

SECTION 140. The city council shall during the second week in February, in each year, cause to be published in a city newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and showing for what purpose disbursed: the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city.

SEC. 28. That Section one hundred and forty two (142) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 142. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months—or as soon as practicable thereafter—from the first Monday in March in 1883, and a like digest within every period of five years thereafter; provided, it shall be the duty of each city council, to cause to be printed in pamphlet form at the end of each municipal year all the ordinances passed for the preceding year.

SEC. 29. That Section one hundred and forty seven (147) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 147. No person other than an elector, resident of the city, shall be appointed or elected to any city office.

SEC. 30. That Section one hundred and forty eight (148) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 148. Resignation by any officer authorized by this act to be appointed by the mayor, or appointed by the mayor and elected by the city council, shall be made to the mayor in writing, for his action.

SEC. 31. That Section one hundred and fifty one (151) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 151. That when charges are so preferred against the mayor, they may be filed with either of the aldermen, whose duty it shall be to call the aldermen together, and when so assembled they shall proceed to elect one of their number to preside during said investigation, and for the purposes of said trial; the presiding officer so elected shall perform the duties of mayor, and the trial shall proceed as provided for in the last preceding section.

SEC. 32. That Section one hundred and fifty-seven (157) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 157. No member of the city council shall hold any other employment or office under the city government while he is a member of said council, unless herein otherwise provided; and no member of the city council, or any officer of the corporation shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required. Any alderman or officer of the city violating the provisions of this section shall forfeit his seat in the council or office, and shall thereafter be ineligible to any office in or under the city government.

SEC. 33. That Section one hundred and fifty eight (158) of said act

be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 158. The members of the city council shall be exempt from jury service during the term of office; each alderman shall be fined seven dollars for every meeting which he fails to attend, unless on account of his own sickness. Any member of the city council remaining absent for three consecutive meetings thereof, whether such meetings be regular, adjourned, special, or called meetings, seven days intervening between such meetings, without first having obtained leave of absence at a regular meeting shall be deemed to have vacated his office, and the mayor shall cause the vacancy to be filled in accordance with the charter.

SEC. 34. That Section one hundred and fifty nine (159) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 159. The city council shall have power to prescribe the duties of all officers and persons appointed or elected to any office or place whatsoever under this act. Subject to the provisions of this act, to revoke any license given under this act; to remit in whole or in part, and on such conditions as shall be deemed proper, by a vote of two thirds of all the aldermen elected, any fine or penalty belonging to the city, which may be imposed, or incurred under this act, or under any ordinance or resolution passed in pursuance thereof.

SEC. 35. That section one hundred and sixty one (161) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 161. The city council shall, on or before the first day of January, in each and every year, fix the annual salary of all officers appointed or elected under this act, except those whose compensation is fixed by this act, and the compensation or salary so fixed shall not be changed during the year, for which the same are fixed.

SEC. 36. That section one hundred and seventy (170) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 170. That no officer of this city shall receive a larger compensation for his services than at the rate of three thousand dollars per annum, and that no officer shall receive fees.

SEC. 37. That section one hundred and seventy one (171) of this act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

SECTION 171. No salary not fixed or limited in this charter, shall exceed eighteen hundred dollars (\$1800) per annum for any office which the city council are authorized to create.

SEC. 38. There shall be elected on the first Monday in March, 1884, one alderman in each of the odd-numbered wards, who shall hold their offices for one year and until their successors are elected and qualified. The first biennial election under this act shall be held on the first Monday in March 1885.

SEC. 39. That all laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 40. Whereas, an urgent necessity requires it, and a great public emergency exists that the city of Galveston shall have better defined power to improve its streets and secure the better government of said city, it is hereby enacted that this act shall take effect and be in force from and after its passage, and the near approach of the election in said

city, and the early closing of the session of the Legislature, causes an imperative public necessity which justifies a suspension of the rule requiring this bill to be read on three several days and it is so suspended

Approved March 7th, 1883.

Takes effect from passage.

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No. 2.

An Act for the relief of J. W. Chowning, H. Chowning, J. R. Sumner, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, George W. Darby, C. M. Byars, J. A. Stingley, T. W. Linkhart & Co., T. W. Robinson and Ull Musick, deceased.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be, and is hereby required to issue to T. W. Robinson as trustee for J. W. Chowning, H. Chowning, J. R. Sumner, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, George W. Darby, C. M. Byars, J. A. Stingley, T. W. Linkhart & Co., T. W. Robinson and the heirs of Ull Musick, patents for all State school section number 18, for 640 acres of land, and the north half of State school section No. 64, for 640 acres of land; both of said sections being in block No. 12 of the Houston and Texas Central Railroad surveys situated in Wilbarger county, Texas; the same being the land on which the town of Vernon, the county seat of Wilbarger county is now situated; provided, that the said T. W. Robinson, trustee as aforesaid shall within thirty days after the passage of this act, pay to the Treasurer of the State the sum of two dollars per acre for said land, and file the Treasurer's receipt for the same in the General Land Office and shall pay all fees due the State for the issuance of patents to the same.

SEC. 2. The near approach of the close of the session creates an imperative public necessity for suspending the rule requiring this bill to be read on three several days, said rule is therefore suspended.

Approved March 13, 1883.

Takes effect ninety days after adjournment.

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No. 3.

An Act to amend Sections 7, 14, 21, 33, 35, 36, 40, and 45 of an Act incorporating the city of Houston in Harris county approved April 21st A. D. 1879 and Sections 23 and 31 of said Act as amended by an Act of the Legislature of the State of Texas, approved March 9th A. D. 1881 and substituting the following Sections therefor.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Sections 7, 14, 21, 33, 35, 36, 40 and 45 of an Act incorporating the city of Houston approved April 21st A. D. 1879 and Sections 23 and 31 of said Act as amended by an Act of the Legislature of the State of Texas, approved March 9th A. D. 1881, be so amended as to hereafter read as follows.

SECTION 7. That each ward in the city shall be represented in the city council by two aldermen, who shall hold office for two years and until their successors are elected and qualified: said aldermen shall be elected by the qualified voters of the ward for which they stand, who

shall vote only in their respective wards. No person shall be competent to fill the office of alderman unless he be at the date of his election a qualified voter of the city, a freeholder therein and a *bona fide* resident of the ward for which he is elected.

SECTION 14. That there shall be a secretary and treasurer, a city marshal and an assessor and collector of taxes, who shall be nominated by the mayor and confirmed by a majority vote of all the aldermen elected, to be taken by ballot. Said officers shall hold their respective offices for two years, and until their successors are duly qualified, unless sooner removed by the city council. The assessor and collector shall have authority to appoint one or more deputies, for whose acts and conduct he shall be responsible, and such deputy or deputies shall have power to perform any act which may be performed by the assessor and collector in person.

SECTION 21. That the by-laws and ordinances of the city shall be enforced by fine not to exceed one hundred dollars, or by imprisonment in the city prison not to exceed thirty days, or by both fine and imprisonment. Provided: that no ordinance or by-law shall provide a less penalty than is prescribed for a like offense by the laws of the State. The city council may provide by ordinance for the commutation of fines imposed, by labor in a work house, on the streets or public works, and for the collection of any fine imposed execution may be issued from the mayor's court, in the name of the mayor, aldermen and inhabitants of the city of Houston, against the goods and chattels, lands and tenements of the person offending.

SECTION 23. That the city council shall have the exclusive control and regulation of all streets, alleys, public grounds and highways within the corporate limits of the city, and shall have power to abate and remove encroachments or obstructions thereon in a summary manner; to open, alter, widen, extend, establish, grade, clean, pave or otherwise improve the same: to put drains and sewers therein, to permit, prevent and regulate the laying of gas and water mains and pipes therein, to compel any person using the streets or sidewalks for the purpose of laying gas or water mains and pipes, or for building or other purposes, to repair said street or sidewalk so used by them, to prevent any street or sidewalk from being dug up, or excavations to be made therein, unless the same be done with the permission of the city council and under the direction of the city engineer, to prevent the encumbering thereof in any manner, and generally to protect the same from any encroachment or injury: to regulate, establish and change the grade of all sidewalks, streets and premises, and to require and compel the filling up and raising of the same: to construct, regulate and keep in repair all bridges, culverts, sewers and crossings: and to control and regulate the use of the same. The city council shall have full power and authority to construct, regulate and keep in repair all necessary sidewalks and foot ways, to grade and fill up the same, to regulate the use and abate and remove any encroachments or obstructions thereon, and to punish any person by fine and imprisonment who shall encroach upon or obstruct the same, or who shall fail to have such encroachments withdrawn or such obstructions removed after being notified by the proper officer to remove or withdraw the same, and each day such encroachments or obstructions are permitted to remain after such notice is served shall constitute a separate offense. The council shall fix and determine the nature and extent of such sidewalk improvements, and decide as to the kind of material to be used, and the cost of the construc-

tion of all sidewalks and footways, and the cost of the grading, filling and curbing necessary therefor, together with the cost of collection thereof, shall be defrayed by the owner or owners of the lot or block fronting on the sidewalk or footway to be constructed, according to the number of feet frontage so owned by each, which sum shall be a tax and charge against the owner or owners of such lot or block, and a lien and encumbrance upon the property itself, and said tax against the property owner may be collected and the lien upon the property foreclosed in any court having jurisdiction. The city council shall declare by resolution duly passed, upon which street or streets or parts or side of any street or streets such sidewalk improvements are to be constructed, the nature of the improvements to be made, and the kind of material to be used. After the adoption of such resolution it shall be the duty of the mayor to have specifications prepared by the city engineer in accordance with the terms of said resolution, which specifications when so prepared and adopted by the city council, shall be duly advertised, and bids solicited for constructing such improvements. It shall be the duty of the city council after accepting any bid for the construction or improvement of such sidewalks or footways to cause to be prepared by the city engineer a roll showing the number of the lots and blocks fronting on the sidewalks or footways to be constructed, the names of the owner or owners of each lot, part of lot or block, or if unknown that fact shall be stated, the number of feet frontage owned separately by each person, or jointly with others, the cost per foot frontage of such improvements, and the total proportional cost of such improvement necessary, to be paid by each property owner fronting thereon. The correctness of said rolls shall be certified to by the city engineer and submitted to the city council for its approval. If said roll is approved and adopted by the city council, the amounts therein stated and assessed against each property owner, or against one or more owners jointly, shall be a tax against such owner or owners and a lien, charge and encumbrance upon the property so owned and held by them, the amount assessed in said roll against the owner or owners of each lot or lots or blocks shall be divided into two equal parts, one part shall be payable when the improvements contracted to be made on each respective block shall be completed, and the balance shall become due six months thereafter. For such sums of money certificates shall be prepared and issued, signed by the mayor and attested by the secretary and treasurer under his official seal; each certificate shall show upon its face the amount for which it is drawn, the name of the property owner from whom the tax is owing, the number of feet frontage, and the number of the lot or lots and blocks upon which said sum of money is a lien; that said sum of money is a tax against the property owner named, and a lien upon said property described: the date when it will be payable, that it is issued for sidewalk improvements, the date of the resolution authorizing such sidewalks to be improved, and that it is issued by authority of this section of the charter, such certificates when so issued shall be delivered to the contractor or person entitled to receive the same, as follows: One certificate for one half the sum assessed against each property owner, when the respective block in which such owners property is situated shall have been completed, and one certificate for the balance upon the completion of the contract, and the acceptance of the work by the mayor. Such certificate when so issued shall be evidence that all requirements and prerequisites of the law have been complied with, and if not

paid at maturity may be collected by suit, and the lien therein provided for be foreclosed in any court of competent jurisdiction and such certificate shall bear interest at the rate of eight per cent per annum from the date thereof, which interest shall be expressed on the face of the certificate. The city council shall have full power and authority to grade, shell, pave, repair or otherwise improve any avenue, street, alley, or other highway, or any portion thereof within the limits of the city, whenever by a vote of two-thirds of the aldermen elected, such improvement shall be declared necessary for the public interest, which grading, shelling, paving or repairing shall be done at the cost and charge of the owner, or owners of the lot or lots, or block or blocks fronting on such alley, avenue, street or other highway to be improved, and the cost of such improvements, together with the expense of the collection thereof shall be a tax against the owner or owners of such lot or lots, or block or blocks, as well as a lien and encumbrance upon the property itself. The city council shall by resolution duly passed, designate the street or streets or portions thereof to be improved, the nature of the improvement to be made and the material to be used. It shall be the duty of the mayor after the passage of such resolution to have the necessary plans and specifications for such improvements prepared by the city engineer, which plans and specifications, after being approved by the city council shall be advertised together with the resolution aforesaid, and bids shall be solicited for the construction of such improvements. After a bid for the construction of such improvements shall have been accepted by the council, it shall be the duty of the mayor to cause to be prepared by the city engineer a roll showing the numbers of the lots and blocks fronting on such street, alley or avenue to be improved, the names of the owner or owners of each lot, part lot or block, and if unknown it shall be stated, the number of feet frontage owned separately by each person or jointly with others, the cost per square foot frontage of such improvements, and the total proportional cost of such improvement necessary to be paid by each property owner fronting thereon, the correctness of said roll shall be certified to by the city engineer, and the roll submitted to the council for its approval. If the said roll is approved by the city council the sums of money therein stated and assessed against each property owner, or against one or more property owners jointly, shall be a tax against such owner or owners, and a lien, charge and encumbrance upon the property so held and owned by each. The sum assessed against each property owner on said roll shall be divided into two equal parts, one to be payable when the improvements contracted to be made on each respective block shall be completed, and the balance shall be due six months thereafter: for such sums of money certificates shall be prepared and issued, signed by the mayor and attested by the city secretary and treasurer under his official seal, each certificate shall show upon its face the amount for which it is drawn, the name of the property owner from whom the tax is owing, the number of feet frontage, and the numbers of the lot or lots and block upon which said sum of money is a lien: that said sum of money is a tax against the property owner named and a lien upon the property described, the date when it will be payable: that it is issued for street paving, naming the street, the date of the resolution authorizing the street to be paved or improved, and that it is issued by authority of this section of the charter. Such certificates when so issued, shall be delivered to the contractor or person authorized by him to receive the same, as

follows: One certificate for one half the sum assessed against each property owner when the respective block in which such owners' property is situated, shall have been completed and one certificate for the balance, upon the completion of the contract and the acceptance of the work by the mayor. Such certificate shall bear interest from the date thereof, at the rate of eight per cent per annum, which rate shall be expressed therein, and when issued in accordance with the provisions of this section shall be evidence that all the requirements and prerequisites of the law have been complied with. Should the property owner fail to pay the amount of such certificate when the same becomes due, the owner thereof may institute suit for the enforcement of the tax, and the foreclosure of the lien provided for, in any court having jurisdiction. Provided that the city alone shall pay for the improving of the intersections of the streets from block to block across the street either way: and provided further, that no one shall be made to pay for any improvement done on any street that may be paved or otherwise improved as hereinbefore provided, save for the proportional part of the street that may be in front of his property, and that any railroad or street railway company shall be liable for any grading, paving or other improvement made upon any portion of said streets used or occupied by such companies. To secure the safety and convenience of passing in the streets, sidewalks and other places in the city, to fix the squaring, and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levees and public roads and places, to fix the place for anchoring all water craft on Buffalo Bayou: to establish an active system of inspection over the conduct of persons and premises, to prevent cattle, horses, swine, goats, geese and animals from running at large in the streets or within such prescribed limits as may be established by the city council, to establish and maintain a city police, prescribe the duties of policemen and regulate their conduct; to provide for lighting the streets, and for this purpose may establish gas works for the manufacture of gas for the use of the city and inhabitants thereof at cost price, to determine in what part of the city slaughter houses, bone boilers, soap makers or other establishments for any business which is or may be injurious to the value of adjacent property or unwholesome or disagreeable to the occupants of adjacent property, shall not be allowed to be erected, to determine in what part of the city wooden buildings shall not be erected, within the limits prescribed no person shall be permitted to erect such buildings: to prevent gun powder or other explosive material, kerosene oil or other inflammable oils being stored within the city limits in such quantity as to endanger the safety of adjacent property; to provide means for the protection against an extinguishment of conflagrations and for the regulation, maintenance and support of a fire department: to permit or forbid theatres, balls or other public amusements and to suppress the same whenever the preservation of order, tranquility, or public safety may require: to close dram shops, drinking saloons and other places where intoxicating liquors are sold, whenever necessary or expedient: to define what shall be nuisances in said city, and to abate them by summary proceedings: to provide a work house for vagabonds and disorderly persons who are unable to pay fines, and to make regulations concerning the same; to regulate weights and measures in the city, affix penalties for violation, fix standards, &c.; also that the city council may provide, own and maintain water works for the use of the city and its inhabitants; to provide and keep a city prison; to make all needful and



proper regulations concerning bakers, butchers, keepers of taverns, grog shops and other public houses, draymen; horse-drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains; to prevent extortion by carriers of passengers or baggage, hacks, drays and all public conveyances, by establishing maximum rates of charges, to direct and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets: to require railroad companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary; to construct and keep in repair bridges and crossings at the intersection of streets and avenues and over all ditches, sewers and culverts on the line of the railway; to regulate the speed of engines and locomotives within said city; to control and regulate everything concerning street railways, and generally to make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the affairs of said city, as well as for the maintenance of the peace, tranquility and safety of said city, and for the protection of the persons and property of its inhabitants. The city council of the city of Houston are hereby empowered and authorized to take and condemn land and real estate in said city to the public use, viz: for streets, alleys and public highways, for extending, straightening and widening those streets now in use, for public wharves and landing places for steamers and other water craft, and for public squares, parks and pleasure grounds. For the condemnation of any land or real estate, the following proceedings shall be had: The city attorney or attorneys employed by the city for that purpose, shall file a petition in the District Court of Harris county against the owner of the land or real estate sought to be condemned for any of the purposes aforesaid, setting forth; first, the name or names and residence of the owner or owners, if known, and if unknown, the same shall be stated; second, the description by metes and bounds of any actual survey had for that purpose, of the land or real estate sought to be condemned; third, the purpose for which the same is proposed to be taken and applied; fourth, the supposed value of the property to be condemned; fifth, the prayer that the same be condemned to the public use for the purpose stated, and upon the filing of such petition, like proceedings shall be had thereon as in other civil suits, and when personal service cannot be had by reason of the defendant being a non-resident, or unknown, service by publication shall be made as provided in other cases in the district court, and upon trial the court shall proceed to render judgment, condemning the land to the public use, upon the payment of the value thereof as assessed by the jury, and upon any suit being brought thereafter against the said corporation for such property so condemned, a copy of the judgment and an actual tender of the money in court shall be sufficient answer in bar of a recovery in any such suit. All costs of proceedings for the condemnation of land and real estate under this act shall be taxed against the plaintiffs, including reasonable fees of the attorney, which the court shall appoint to represent the defendant when cited by publication. No person shall erect any building or fence in the city of Houston without first obtaining a permit in writing from

the mayor and having the lines of his property established by the city engineer.

SEC. 31.[21] That the city council shall have power by ordinance annually to levy, assess and collect a tax not exceeding two per cent ad valorem, upon all real and personal property in the city of Houston not exempt from taxation, and to determine when taxes shall be paid by corporations, or by the individual incorporators, and to levy, assess and collect from each male citizen of the city, over the age of twenty one years, an annual poll tax of one dollar. All taxes upon real estate shall be a lien and charge upon the property, which lien may be foreclosed, and the tax collected by suit, in any court having jurisdiction. All taxes not paid within the time prescribed by the ordinances shall bear interest at the rate of ten per cent per annum. All real and personal property held, owned or situated in the city of Houston shall be liable for all taxes due by the owner thereof, including taxes on real estate, personal property and poll tax, and all personal property may be levied upon, seized and sold by the assessor and collector, for any taxes that may be due, without further warrant of authority than the production of his tax roll, which sale when made shall convey a perfect title to the purchaser thereof. It shall be the duty of every person owning, or holding property in the city of Houston to render to the assessor and collector of taxes at his office in said city annually, within the time prescribed by the ordinances of said city, a full and complete inventory of all property so owned or held by him, whether real or personal and to take and subscribe an oath as to the correctness of such inventory, which oath may be administered by the assessor and collector in person or by deputy. All taxes shall be payable at the office of the assessor and collector, and no demand by him shall be requisite or necessary to enforce the collection thereof by any proceedings herein prescribed. The assessor and collector shall inventory and assess all property which the owners thereof may fail or refuse or may have failed or refused to inventory and assess for any previous year, which inventory and assessment when so made by him shall be as valid and effective as if made by the owner thereof.

SECTION 33. That the city council may and shall have full power to provide by ordinance for the prompt collection of all taxes levied, assessed and due or becoming due to said city, and to that end may and shall make such rules and regulations and pass such ordinances as it shall deem necessary to the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the mode and manner of making out tax lists and inventories, and the appraisement of property thereon, and to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered; and to fix the duties and define the powers of the assessor and collector of taxes; and adopt such measures as they may deem advisable to secure the assessment of all property in the limits of the city, and collect the taxes thereupon in current money of the United States; or otherwise as herein provided, and may by ordinance provide that any person, firm or corporation having or controlling property in said city, subject to taxation, and failing and refusing to render a list, inventory and appraisement thereof, verified as may be required by any ordinance of said city shall be liable to fine and imprisonment; that the city council shall appoint annually from its own members, at such times as it may determine, three appraisers, who shall be styled the Board of Appraise-

ment and whenever the party rendering the property for assessment, and the assessor and collector can not agree in the valuation of such property, it shall be referred to said board and their action in appraising the same shall be final, unless notice of dissatisfaction with said action is given within five days after their decision; and the party giving such notice shall have the right of appeal to the council. It shall be the duty of said board of appraisement to meet at least once during every year, and carefully to examine the values of property rendered to the assessor and collector, and rendered by him for delinquents, and if it shall appear to said board that the values assessed are too low or too high, they shall have full power to raise or lower the same, and from the action of said board there shall be no appeal. Said board shall not raise the value on any property assessed for taxation by the owner thereof without first notifying such property owner of its intention to so raise the same, which notice shall be directed to the person giving in the assessment, and deposited in the post office in the city of Houston, and said notice shall be mailed at least three days before any action is taken by the board. The raising of the value of any property by said board shall be *prima facie* evidence that all requirements of the law have been complied with. The city council may if it sees proper adopt, as circumstances will permit, the same mode and manner of assessing and collecting taxes as may be prescribed by law for assessing and collecting State taxes, and all taxes due the city may be collected by an action of debt in any court having jurisdiction. The assessment roll shall be taken as *prima facie* evidence of the statement made therein, and the city shall have the equal right to become the purchaser at all the sales of property for taxes due it, made under judgment or otherwise. Nothing but current money of the United States shall be collected or received in payment of taxes and licenses due or hereafter assessed, and scrip which may be issued for pavement of streets and constructing sidewalks, and for city water works, which shall express upon its face the purpose for which it is issued, and coupons and scrip made receivable for taxes on the face thereof shall be receivable for all taxes except the bond tax.

SEC. 35. That it shall not be necessary in any action, suit or proceeding in which the mayor, aldermen and inhabitants of the city of Houston shall be a party, that any bond or security shall be given, but all actions, suits or proceedings shall be conducted as if such bond or security had been given and in all judicial proceedings it shall be sufficient to plead any ordinance of the city by caption without embodying the entire ordinance in the pleadings; and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any person be liable to garnishment, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment.

SEC. 36. That the following property shall be exempt from taxation, to wit: All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held by any person, company or corporation with a view to profit, or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity together with the lands belonging to and occupied by such institution

not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the laws of the State of Texas.

SEC. 40. That all works of improvements and public works for said city, the cost of which will exceed the sum of one thousand dollars, shall be let out to the lowest or best bidder in the discretion of the council, by sealed proposals, and no contract shall be made or entered into, until the plans and specifications for such work or improvement shall have been prepared and submitted to the council and adopted by it, and an advertisement published in at least four issues of some daily paper published in the city, inviting bids therefor, and stating the time when such sealed proposals will be opened. Provided: that if no bids be received or those received be rejected by the city council, the city may in its discretion proceed to have such work or improvement done under the direction of a committee from its membership. City printing and all repairing of bridges or other similar work, of which it is manifestly impossible to make specifications, are not embraced in this requirement. No bid shall be considered unless made in accordance with the plans and specifications, and no allowance for extra work shall ever be made or paid for. The sealed proposals shall be addressed to the city secretary and treasurer, and shall only be opened in the presence of the city council, at a regular meeting. Bond and security to be fixed and approved by the city council shall be required of all contractors. The taking of any contract, or any interest therein, openly or secretly, directly or indirectly, by any officer of the city, shall *ip[s]o facto* work a forfeiture of the contract and the consideration thereof, and shall create a vacancy in the office held by the party taking the same.

SEC. 45. That this act shall be deemed a public act, and judicial notice shall be taken thereof in all courts. No general law hereafter passed by the Legislature of the State shall be held to repeal any power herein granted, or which is now vested in the corporation of Houston, unless the act conferring such power be specially referred to in such repealing act. Whereas there are no laws in force, providing for the paving, improving and repairing of the streets and sidewalks of the city of Houston and for the collection and enforcement of the taxes due to the corporation, and said corporation is greatly in need on that account, there exists an imperative public necessity for dispensing with the constitutional rule requiring this bill to be read on three several days in each house of the Legislature, and an emergency exists which requires this act to take effect from and after its passage, and it is so enacted.

Approved March 13, 1883.

Takes effect after passage.

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No. 4.

An Act to authorize and grant to E. S. Crosby the right to construct, maintain and use a boom across the Brazos river in McLennan county, for the stoppage of floating material.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That E. S. Crosby of McLennan county, his heirs and assigns are hereby

authorized, and the right and privilege is hereby granted him for the period of ten years, to construct, and for said period of time to maintain and use a boom across the Brazos river in said county, within one mile of the suspension bridge across said river in the city of Waco; which boom is to be used for arresting the progress of timber, wood, lumber and other material floating on said river; provided, said boom shall be so constructed as to provide at one end thereof, a passage way that may be opened for the passage of boats up and down said river, but such boom shall not be required to be opened when the same is under tension by reason of floating material pressing against it; provided further, that said boom shall only be used when necessary to catch the timber being floated by him the said Crosby, and shall be constructed so as not to interfere with the right, nor cause delay to any one, nor interfere with any one who may be engaged in a like business.

Approved March 20, 1883.

Takes effect ninety days after adjournment.

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No. 5.

An Act defining the boundaries of the corporation of the city of Gonzales, for municipal purposes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the boundaries of the city of Gonzales, for municipal purposes, shall be as hereinafter described, to wit: Beginning at a point on the Guadalupe river where a street that divides Ranges one (1) and two (2) west of Water street, intersects said river; thence north along the centre of said street or road to the northwest corner of Block No. 4, in Range No. 1, west of Water street; thence east along the north boundary line of said block No. 4, to the north boundary line of lot No. 7, on North Avenue; thence east along the north boundary lines of lots numbered seven (7) in Ranges Nos. 1, 2, 3 and 4, east of Water street, to the centre of the street dividing Ranges Nos. 4 and 5; thence south with the centre of said street to the east boundary line of Lot No. 6 in tier on No. 2 on East Avenue; thence south with said east boundary of Lot No. 6, across East Avenue and with the east boundary line of Lot No. 6, in Tier No. one (1), south to a point opposite the south east corner of Green Dewitts homestead lot; thence with the south boundary line of said Green Dewitt's lot to the Guadalupe river; thence up said Guadalupe river with its meanders, to the point of beginning.

SEC. 2. Be it further enacted: That the boundaries of the said city of Gonzales shall not be extended except by the consent or vote of a two-thirds majority of the legal voters residing upon the territory proposed to be annexed to the said city of Gonzales.

SEC. 3. Be it further enacted: That whereas an imperative necessity exists for the immediate passage of this act, and for the suspending of the rule requiring bills to be read on three several days, therefore said rule is hereby suspended and this act shall be in force and take effect from and after its passage.

Approved March 24, 1883.

Takes effect after passage.

## No. 6.

An Act to provide for the patenting and disposition of the lands situated in Medina county State of Texas, for which certificates were issued by the State to Henry Castro, in trust for school and church purposes.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the lands heretofore granted to Henry Castro in trust for church and school purposes, lying and being situated in Medina county State of Texas, for the benefit of the people of said Medina county, shall be patented to the said Medina county, in trust for the benefit of the public free schools of said county.

SEC. 2. That the Commissioner of the General Land Office of the State of Texas is hereby authorized and directed, as soon after the passage of this act as possible, to patent all of said lands granted to the said Henry Castro, in compliance with section first of this act, and deliver said patents to the commissioners court of said Medina county.

SEC. 3. That said lands from and after the issuance of said patents shall be subject to sale, and proceeds of said sale disposed of by the commissioners' court of Medina county under the same rules and regulations as are provided in Title LXXXI, Chapter 3, page 581 of the Revised Statutes of the State of Texas.

SEC. 4. Whereas the said lands are lying unoccupied, unimproved and useless to the people of said Medina county, and that the people of said county need the proceeds from sale of said lands for the benefit of the public free schools of said county, creates a public emergency that the constitutional rule requiring bills to be read on three several days before their final passage be suspended, that said constitutional rule be, and the same is hereby suspended, and that this act take effect from and after its passage.

Approved March 24, 1883.

Takes effect after its passage.

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 No. 7.

An Act amendatory of an act approved August 9th 1876 entitled "An Act to incorporate the city of Dallas, and grant a new charter to said city" and the amendments thereto.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the following numbered Sections of the charter of the city of Dallas be amended so as to hereafter read as follows.

SEC. 2. That the bounds and limits of the city of Dallas shall be as follows: Beginning at a point on the north corporation line of the present corporate limits of said city, where the track of the Missouri Pacific railroad crosses said line; thence with the line of said railroad to a point where said railroad track crosses the northwest line of the John Grigsby league; thence north 46½ east, with said league line the division line between both No. 8 and No. 9 of said league; thence with said division line south 54 east through to the southeast line of said league; thence with said southeast league line in a southwesterly direction to the south corner of said league; thence north 42 west with the southwest line of

the said league, to a point where the said line intersects the south line of the present limits of said city, as established by an act of the Legislature approved August 9th 1876 entitled "An Act to incorporate the city of Dallas and grant a new charter to said city;" thence westerly with said present south line to the Trinity river; thence up said Trinity river to the northwest corner of said present corporation; thence with the north line of said present corporation to the place of beginning; provided: That the new territory added to the city of Dallas by this act shall not become a part of said corporation until a majority of those living in said new territory who are qualified to vote for members of the Legislature shall have voted to have such territory added to said city: when a majority of such qualified voters shall have so determined, from such date such territory or any part thereof as set out in petition and determined by vote shall for all purposes become a part of said city of Dallas. Whenever as many as forty qualified voters shall petition the county judge of Dallas county, he shall order an election to be held in the territory added by this act, or sought to be added as set out in the petition, and he shall appoint judges to hold such election under the forms of law, and he shall appoint a time and place for said election to be held, and give public notice thereof for twenty days by publication in some daily newspaper published in the city of Dallas. The county judge shall issue an order for the election within ten days after the aforementioned petition is filed with him, and within ten days after the election is held shall announce the result to the city council of the city of Dallas, who shall pass such ordinances as are necessary to have surveyed and fully defined the boundaries of the new addition to said city. The county judge shall not order an election for the above purposes unless the petition is first approved by a majority of the board of aldermen of the city of Dallas.

SEC. 2. That section 21 of the charter of the city of Dallas be amended so as to read as follows:

SECTION 21. The city council may at any time after the adoption of this act, by ordinance establish the office of recorder of said city and order the election of a suitable person to fill the same, and when elected and qualified he shall be the chief judicial magistrate of the city, and shall hold his office until his successor is elected and qualified, the election of whom shall be at the next general election of city officers, and as such shall hold a court within said city by the name of recorder's court of the city of Dallas, which said court shall have concurrent jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city: and said court shall also have concurrent jurisdiction of all misdemeanors arising under the criminal laws of this State within said city limits, in which the punishment is by fine only, or by fine or by imprisonment, or by both: provided, that no fine shall exceed two hundred dollars, or period of imprisonment exceed thirty days in the city jail; and provided further, that said court shall have concurrent jurisdiction of all cases for keeping disorderly houses, or houses of prostitution within the limits of said city. And said court shall be deemed always open for the trial of said causes. Said court shall have full power, authority and concurrent jurisdiction in all cases arising under the ordinances of said city, or the State law as hereinbefore limited; and over any breaches and violations thereof, and of any and all persons thus offending including vagrant gamblers, prostitutes and keepers of disorderly houses, and to try a

determine all suits, accounts and complaints charging a violation of any ordinance or aforesaid laws, and may grant new trials on motion in writing, showing sufficient cause and duly sworn to; and all prosecutions, trials and proceedings had in said court under this act shall be governed by the laws and rules regulating trials and prosecutions and proceedings in justice's court, in force at the time, and shall be a bar to prosecutions for the same offence in other courts. Said officer shall be entitled to such compensation for his services as the council may provide: provided, the city shall pay no costs; and to such additional compensation as may be allowed by the laws and ordinances of the corporation. The recorder may require of any person arrested under the provisions of this act, a bond for his or her good behavior, and to keep the peace, or for his or her appearance before said court with two good and sufficient sureties, which bond, as well as all other bonds taken in any proceeding in said court shall be payable to the city of Dallas. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of an attachment. He may punish all contempts by fine or imprisonment, or either; may issue subpoenas, writs of *capias*, warrants of arrest, search warrants, executions and all process known to law which a justice of the peace of this State may lawfully issue: and all of said writs and process shall run in the name of the city of Dallas, be issued, served and executed in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths, and all oaths and affirmations, and give certificates therefor. The recorder shall be ex officio justice of the peace, and he shall possess and execute in the city in criminal cases all the powers and duties of such officer, and shall have the same authority and like power with justices of the peace in the prevention and suppression of crime; provided, that in no case shall he entertain jurisdiction in civil suits. The city council may determine what costs, if any, shall be charged for proceedings in, and for all process issued in said court, and shall allow the judge thereof for his services such salary or fees, or either, or both, as they deem necessary; and the recorder shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer as the judge of said court, and as are not inconsistent with the laws and Constitution of this State: provided, that all money collected from fines of whatever character imposed by the recorder, shall be paid into the city treasury for the use of the city, and provided further, that until the said office of recorder is established, and a recorder is elected, or when the same shall be discontinued, or a vacancy occur therein, the mayor of the city shall possess and execute all the powers and duties of recorder, holding a court which shall be known as the mayors court as set forth in this section, and that may be imposed by ordinance of the city, and shall receive for his services such compensation as the council may provide.

SEC. 3. That Section 41 of the charter of the city of Dallas be amended so as to read as follows:

SECTION 41. The city council shall have power and authority by ordinance to regulate, control and prohibit the carrying of weapons within the limits of the city of Dallas.

SEC. 4. That Section 66 of the charter of the city of Dallas be amended so as to read as follows:

SECTION 66. The city council shall have power to abate all nuisances



which may injure or affect public health, in any manner they may deem expedient within the city limits, or within three thousand (3000) feet of the corporate lines of said city.

SEC. 5. That Section 28 of the charter of the city of Dallas be so amended as to read as follows:

SECTION 28. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such times and place as they by resolution shall direct. The mayor when present shall preside at all meetings of the city council, and shall have in all cases a casting vote, but in elections he shall vote as other members of the council. In his absence, and the absence of president pro tem any one of the aldermen may be appointed to preside.

SEC. 6. That Section 58 of the charter of the city of Dallas be amended so as to read as follows:

SECTION 58. The city council shall have power to fix the compensation of all city officers, and to regulate the fees of all jurors, witnesses and others rendered under the charter and ordinances of said city. Whenever the city council as provided by the charter shall fix the compensation to be paid any officer, whether elected by the people or the council, they shall make the same payable monthly out of the city treasury, and no officer shall be allowed any fees or perquisites of office, but all costs and penalties shall go into the general sinking fund. No officer's salary shall be fixed at a sum to exceed fifteen hundred dollars (\$1500) per annum, except the salary of assessor and collector, which shall not exceed three thousand dollars (\$3000) per annum; provided, that the compensation of no officer of the corporation shall be diminished during his term of office.

SEC. 7. That Section 62 of the charter of the city of Dallas as amended by an act of the Legislature approved April 5th 1881 be so amended as to read as follows:

SECTION 62. The city council shall have the right to enact all necessary ordinances, to restrain and punish vagrants, mendicants, street beggars and prostitutes; to locate, restrain punish and control all disorderly houses of prostitution or assignation, and the keeper and inmates thereof; to regulate, punish or control all gambling, and the keepers of games and gambling houses, and those who bet on games and gambling devices, where there is an ordinance of the city of Dallas in force punishing this or any other misdemeanor with as great a penalty as the same is punished by the Statutes of the State. The mayor's court of the city of Dallas shall have concurrent jurisdiction of such misdemeanors when committed in the corporate limits of the city of Dallas.

SEC. 8. That Section 77 of the charter of the city of Dallas be amended so as to read as follows:

SECTION 77. The city council shall have the sole authority to grant the right to any person or persons, corporation or company to make and construct street railways in any street in said city and to regulate and control the same and the use thereof; provided, the owners of a majority of front feet on the street along which said railway shall run are willing; the frontage to be calculated, not by blocks, but by the entire length of the proposed line, and on both sides of the street so proposed to be occupied, and provided also, it shall not require the consent of the property owner to the construction of said street railway across any street.

SEC. 9. That Section 82 of the charter of the city of Dallas as

amended by an act of the Legislature approved April 5th 1881 be amended so as to read as follows:

SECTION 82. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the Constitution of the State, and necessary for the order or good government of the city, or the trade, commerce and health thereof or that may be necessary and proper to carry into effect the powers vested in the corporation, or any of its officers, by the act of incorporation of date August 9th A. D. 1876, and this and other amendments thereto; to enforce the observance of all such ordinances, rules, and police regulations, and to punish violations thereof by fines and imprisonment, or either, or both, or by work on the streets or other public works as may be provided by ordinance, and required by the judgment of the court; provided, that no fine shall exceed two hundred dollars (\$200), and no period of imprisonment shall exceed thirty days in the city jail; and for any fine, penalty, and costs imposed by the mayor or recorder, in the trial of any cause or complaint before him, executions may issue to collect such fines and costs, to be levied and executed in the same manner that executions are from justices of the peace courts. The same shall be issued by the mayor or recorder to the marshal, who in levying on property and selling shall have like power and authority as the sheriff of the county, in executions issued from the district or county courts, and the laws of the State so far as applicable shall apply to and be in full force and effect as to the executions issued from the mayor's or recorder's court. Any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs; and on default thereof may be imprisoned in the city prison, or may be required to work on the streets, or other public works of the city for such time, and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed thirty days.

SEC. 10. That section 174 of the charter of the city of Dallas be amended so as to read as follows:

SECTION 174. The city council shall have power by ordinance to cause to be graded, paved, macadamized or graveled or otherwise constructed, improved or repaired all streets, sidewalks, alleys and public highways including cross streets, in the limits of the city of Dallas, at such time, to such extent, and out of such material and under such regulations as the city council may provide by ordinance; provided, that the owners of property bordering on a street or sidewalk so improved, shall pay pro rata according to frontage of property thereon, the expense of such improvement so ordered; the city council shall have improved in the same manner as the rest of the streets all the intersections of streets where they cross the streets so improved, and to the middle of the street where another street enters but don't cross the street being so improved. This improvement of intersections and abutments of other streets to be paid for out of the general fund. The work shall be done as follows. Whenever the city council determine by ordinance that such work shall be done, and the manner and extent of the same, they shall advertise for bids giving the plans, specifications and extent of improvement. The work shall be let to the lowest responsible bidder in the discretion of the city council, and with such bond as the council may determine. The city council shall levy a special tax on the property fronting or abutting on said streets so improved, pro rata according to number of feet of front or abutment, and said tax shall

be levied as soon as convenient after contract is let, and the time of payment of same, and when it shall become delinquent shall be specified in ordinance. The tax shall be a lien from time of levy, and its collection shall be enforced as the collection of other taxes, by advertisement and sale of property; provided, it shall not be necessary to sell at same time as for other delinquent ad-valorem taxes. If said special tax be not paid in full in ten days from the completion of said work and the levy of said special tax, then the assessor and collector shall proceed at once to advertise and sell said property for the special tax due thereon, giving same notice, and executing similar deed as is given when property is sold by city for advalorem taxes.

SEC. 11. That section 177 of the city charter as amended by act of the Legislature of the State approved April 5th 1881 be amended so as to read as follows:

SECTION 177. It shall be the duty of every person or corporation owning property fronting on any street in the city of Dallas to build sidewalks, construct curbing and guttering and repair the same in front of their property when notified by the proper city authorities and according to ordinance. If the owners of any such property fail after due notice as provided by ordinance, to construct or repair such sidewalks, curbing or guttering as provided by ordinance, the same may be done by the city and taxed against the property according to cost of construction, and the same proceeding shall be had as provided in Section 174 above, in doing said work and collecting said tax. Any one failing or refusing to build or repair the sidewalk, curbing or guttering along their property, according to ordinance, shall be deemed guilty of a misdemeanor and punished as provided by city ordinance; provided, the fine for any one day's neglect shall not exceed fifty dollars.

SEC. 12. That Section 180, of the charter of the city of Dallas be amended so as to read as follows:

SECTION 180. The city council shall have power by ordinance to provide for and cause a general sewer and drainage system to be established, which shall be divided into three classes, to wit: Public, district, and private sewers, and drains. Public sewers shall be established along the principal crosses of drainage, at such times, to such extent, and under such regulations as may be provided by ordinance, and there may be extension or branches of sewers already constructed, or entirely new throughout, as may be deemed expedient. The city council may, if necessary, levy a tax on all property made taxable for State purposes over the whole city, to pay for the construction and repairs of such public sewers, which shall be called "Special public sewer tax," and shall be of such amount as may be required for the sewer or sewers provided by ordinance to be built, and the fund arising from said tax shall be appropriated solely to the building and repairing of said sewer or sewers, and there shall when necessary be a taking and condemnation of private property for sewers and drains as herein before provided for. No public sewer shall be run diagonally through private property, when it is practicable without injury to said sewer, to construct it parallel with one of the exterior lines of such property; nor shall any public sewer be constructed through private property when it is practicable to construct it oblong or through a street or other public highway.

SEC. 13. That Section 181 of the charter of the city of Dallas be amended so as to read as follows:

SECTION 181. District sewers or drains shall be established within

the limits of the district to be described by ordinance, connecting with a public sewer or other district sewer, or with the natural course of drainage, as each case may be; or in such other manner as the city council may by ordinance provide. Such district may be subdivided, enlarged or changed by ordinance at any time. The city council shall cause sewers or drains to be constructed in each district, to such extent, of such dimensions, and under such regulations as may be prescribed by ordinance, whenever a majority of the property holders therein shall petition therefor, or whenever the city council may deem such sewer or drain necessary for sanitary or other purposes, and said sewer or drain shall be of such dimensions as may be prescribed by ordinance; and may be changed, enlarged or extended, and shall have all the necessary laterals, inlets and other appurtenances which may be required. The work shall be done as follows: Whenever the city council shall determine by ordinance, that such work shall be done, and the manner and extent of the same, they shall advertise for bids, giving the plans and specifications and extent of improvement. The work shall be let to the lowest responsible bidder in the discretion of the city council, and with such bond as the said council may provide. As soon as any district sewer or drain shall have been completed, the city engineer or other officer having charge of the work, shall make report thereof to the city council, together with the entire cost of said work, and the city engineer shall at the same time furnish to the assessor and collector, and city council, a list of all property in said sewer district, together with the owners thereof. The city council shall then at once proceed to assess said amount against said property, and shall levy a special tax therefor against the lots of ground within such district, exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways; provided, that in the discretion of the council a special committee of three disinterested citizens, not residing in the said sewerage district, may be appointed by the mayor for the purpose of assessing the property in such district in proportion to the benefit derived from said sewer for the purpose of paying said cost of such sewer. And the assessor and collector shall enter said list of said property, and the name of the owner thereof, together with the assessment and levy made against each lot or lots within such district on his tax rolls, in a book kept for that purpose and shall proceed to collect the same as other taxes are collected. Said tax shall be a lien on such property from the time of levy, and its collection shall be enforced as other taxes by advertisement and sale of the property taxed; provided, it shall not be necessary to sell at the same time as for delinquent advalorem taxes. If the said special tax be not paid in full in ten days from the completion of said work, and the levy of said special tax due thereon, giving same notice and executing similar deed as in case of property sold by city for advalorem taxes. Private sewer or drain connecting with public or district sewer, may be constructed under such restrictions and regulations as may be provided by ordinance, but the city shall be at no expense in the construction of the same, and may by ordinance force the construction and keeping of the same clean, and in proper repair by parties owning or using the same. If the owner of such property shall not proceed within five days after notice given by the city secretary, to construct such private sewer or drain under the superintendence of the city engineer in strict compliance with the ordinance, then the city shall have such work done as provided above for district sewer, and the city council shall tax such.

costs against such property, and as soon as said work shall be completed shall levy a special tax on such property to pay for such improvement, and the city tax shall be a lien on such property from time of levy; if said special tax be not paid within the time provided above for payment of special tax for building district sewer, then the assessor and collector shall proceed to advertise and sell the property for the special tax so levied thereon, and execute a deed therefor as provided above, in case of district sewer. The time of payment, and the time of becoming delinquent of such special taxes herein provided for, shall be fixed by ordinance, where the same is not fixed in the charter.

SEC. 14. That Section 101 of the charter of the city of Dallas approved August 9th 1876 be and the same is hereby amended so as to read as follows:

SECTION 101. It shall be the duty of the assessor and collector between the first day of January, and the fifth day of April of each year to make and return to the city council a full and complete assessment of all property real and personal in said city, on the first day of January, liable to municipal taxation, together with the cash value of all goods, wares and merchandise owned or kept on hand for sale by any merchant on the first day of January of that year, together with the cash value of all property real and personal belonging to any corporation, also a list of all insurance companies doing business in said city and the name of the agent of the same. The city council shall have power in its discretion, at or before its last regular meeting in December of each year, to appoint two resident freeholders of the city of Dallas, qualified voters, to be called assistant assessors, whose duty it shall be when so appointed, to attend with the assessor and collector at the time of making said assessment for the year following their appointment, and having equal power and authority with the assessor and collector, together with said assessor and collector to make and return to the city council a full and complete assessment of all property, personal and real, as above provided, and they shall attend and assist the assessor and collector in receiving the lists of property and statements of merchants and others by the act required to be delivered to said assessor and collector, and their compensation and further duties and powers, shall be such as the city council may by ordinance provide.

SEC. 15. The city council shall prior to the first day of A. D. 1883, divide the city into convenient wards, not to exceed eleven (11) wards in all, and each ward shall at the next regular election, April 1884, elect two aldermen, one of whom shall serve one year, and the other two years. The terms of service to be determined by lot. Each of said wards shall thereafter elect one alderman annually who shall hold his office for two years, or until his successor has been elected and qualified.

SEC. 16. Whereas the good government of the city of Dallas depends upon the immediate passage of this act, therefore a public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days. The rule is therefore hereby suspended, and this act shall take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved March 31, 1883.

Takes effect after its passage.

## No. 8.

An Act for the relief of Alsey S. Miller, Milburn Harral and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the "Dawson massacre," by granting to each one of them a certificate for twelve hundred and eighty acres of land.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to issue a certificate for twelve hundred and eighty acres of land each to Alsey S. Miller, Milburn Harral and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the "Dawson massacre," which may be located as headright certificates upon any of the unappropriated public domain, and patented as in other cases; and the said certificates, and the land located by virtue thereof, shall be exempt from forced sales so long as it shall remain the property of the grantee in said certificate; provided, that the Commissioner of the General Land Office shall charge no fees for the issuance of such certificate and patent; *provided*, that the State shall not be held responsible for any deficiency in the public domain.

SEC. 2. The near approach of the close of the present session of the Legislature, making it doubtful if this bill can pass in the ordinary course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring a bill to be read on three several days; and it is so suspended.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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 No. 9.

An Act for the relief of the heirs of General Mosely Baker, deceased.

WHEREAS, General Moseley Baker, a soldier of the Revolution of the Republic of Texas, to whom was granted a headright certificate by said Republic for services rendered therein; and,

WHEREAS, said head right certificate was located back of and adjoining the town of Anahuac on Galveston bay; and

WHEREAS, said certificate was located upon lands that had been previously located by other parties, by reason of which all benefits of said headright certificate were lost, to the said General Mosely Baker, or his heirs; and

WHEREAS, Mrs. Fannie A. D. Darden, of Columbus, Texas, is the only surviving heir of the said Genl. Mosely Baker deceased, therefore

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to Fannie A. D. Darden, sole heir of Genl. Mosely Baker, deceased, a certificate for one league and one labor of land, which may be surveyed and located and patented as other first class head right certificates, she paying the Government fees; provided, that this act shall not be construed to bind the State, should no vacant land be found, which should be stated on the face of the certificate.

SEC. 2. The said certificate can only be located upon vacant and un-

appropriated public domain; and the State is to be in no manner liable in case the certificate is not located on vacant land.

SEC. 3. The near approach of the end of the present session of the Legislature rendering it improbable that this bill will pass in the regular course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; and it is so enacted.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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No. 10.

An Act for the relief of the heirs of John W. Thomson, who fell at the storming of the Alamo on the 6th day of March, 1836.

WHEREAS, John W. Thomson, a volunteer in the defence of the Republic of Texas, under the command of Bowie and Travis, was killed while serving as a volunteer in the armies of Texas, as aforesaid, on the 6th day of March, 1836, at the storming of the Alamo: and,

WHEREAS, All his comrades perished in said massacre, and many difficulties intervened which prevented his heirs from securing the land certificates granted to those who fell in said battle, and were residing in the State of Texas at the time of the Declaration of the Independence of the State of Texas: and,

WHEREAS, The old "court of claims" before which said matters were adjudicated, has been, and was, abolished before the claim of the heirs of said Thomson was adjudicated, and while the said claim was therein pending; and,

WHEREAS, No certificates for land, granted to those who fell in said battle of the Alamo, and were in Texas at the time of the Declaration of the Independence of the State of Texas; and

WHEREAS, The State of Texas has heretofore granted to the heirs of all those who fell at the Alamo, in the service of Texas, the following land certificates, to wit: A special head-right certificate of 1476 acres, 1920 bounty, and 640 acres donation, and to those that were citizens of Texas at the Declaration of Independence a certificate of 1476 acres; and,

Whereas, the lapse of time, the death of witnesses, the war between the States, and other obstacles, intervened to prevent the said heirs of the said Thomson from presenting and establishing their claim before the "Court of Claims" prior to its abolition; and,

Whereas, said heirs are justly entitled to said certificates, and the same have never been to them issued, therefore,

SECTION 1. Be it enacted by the Legislature of the State of Texas; that the Commissioner of the General Land Office be, and he is hereby authorized, empowered and required to issue to the heirs of said John W. Thomson the following certificates, to wit: One special head-right certificate of 1476 acres, class —; one 640 donation certificate, class —; one 1920 acre bounty certificate, class —, and one 1476 head-right certificate, class —, —said certificates only to be located on unappropriated vacant public domain, and the State to be in no manner liable if there is not vacant land upon which said certificates can be located.

SEC. 2. Be it further enacted that said Commissioner of the General Land Office shall deliver to said heirs, their legal agent or representative, said certificates, when he shall have been assured by satisfactory proof of such heirship.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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No. 11.

An Act to authorize Christian Jordan to sue the State of Texas.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Christian Jordan of Galveston county is hereby authorized and empowered to sue the State of Texas in the district court of Travis county for the enforcement and adjustment of any right or claim which he may have against the State of Texas by reason of the transfer and assignment to him, by the State, of a certain judgment recovered by said State on the 31st day of October 1873, against Frank Dirks and his sureties in cause No. 3399 in the district court of Travis county or by reason of any taxes or moneys collected by the State of Texas, or her officers and agents and which taxes or moneys in law, equity or justice should have been credited on said judgment and paid to the owner thereof.

SEC. 2. The suit provided for in the preceding section, shall be filed within one year from the passage of this act, and when filed, a certified copy of plaintiffs petition, and a citation such as usually issue to the defendants in suits in the district court, shall be served on the Governor of the State at least ten days before the first day of the term of court, to which said suit is brought.

SEC. 3. Said suit shall be tried by said district court like other suits, and either or both parties shall have the right to an appeal from the judgment of said district court to the Supreme Court of the State, in the same manner as appeals are allowed in other cases; provided, that the State shall not be required to give any appeal bond, or be liable for any costs of court whatever.

SEC. 4. If judgment shall be rendered in favor of said Christian Jordan by the district court, and no appeal be taken or perfected by the State as required by law, or in case such judgment shall have been affirmed on appeal by the Supreme Court, such judgment shall be certified to the Comptroller of the State by the clerk of the district court, and the Comptroller shall draw his warrant on the Treasurer in favor of said Christian Jordan for the amount of such judgment.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

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No. 12.

An Act to receive the surrender of the corporate rights and franchises of the Jefferson Iron Company, a private corporation of this State, and to amend the charter of the same.

SECTION 1. Be it enacted by the Legislature of the State of Texas,



that Horace Ware, as the sole owner of the corporate rights and franchises of the Jefferson Iron Company, a private corporation, chartered on the 9th day of March, A. D. 1874, by virtue of the general incorporation law of the State of Texas, be and he is hereby permitted to surrender all the corporate rights and franchises of said Jefferson Iron Company to the State of Texas; and the charter heretofore issued to said company be and the same is annulled and cancelled, and record of such cancellation may be made in the office of the Secretary of State of this State.

SEC. 2. The title to all the property real and personal of said corporation is hereby divested therefrom and freely vested in the said Horace Ware individually, and to prosecute any and all suits in which said corporation may be a party.

SEC. 3. Notice of this act having been published for 30 days as required by the Constitution, and the near approach of the close of the 18th Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

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No. 13.

An Act ceding to the United States government exclusive jurisdiction over certain property in the city of Dallas for the purpose of erecting a public building thereon.

WHEREAS The United States government has made an appropriation for the purpose of erecting a court and post office building in the city of Dallas, State of Texas, now therefore

SECTION 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas does hereby cede to the government of the United States exclusive jurisdiction over lots numbers (5, 6, 7 and 8) five, six, seven and eight and (20) twenty feet of west part of lots numbers (4) four and (9) nine in block (96) ninety six according to official map of the city of Dallas; or over any property acquired or to be acquired in the city of Dallas for the purpose above indicated, so long as said government of the United States shall be and remain the owner thereof; provided that the State of Texas does hereby retain jurisdiction over said property for the administration of the criminal laws of this State and the service of civil process therein.

SEC. 2. Whereas the United States government is now ready to proceed with the construction of said building, an imperative necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days and that this act take effect from and after its passage and it is so enacted.

Passed....., 1883.

Takes effect from passage.

## No. 14.

An Act amendatory of an Act entitled "An Act to incorporate the City of Austin," approved April 5, 1878.

SECTION 1. Be it enacted by the Legislature of the State of Texas: That Article four of the above recited act, shall hereafter read as follows:

## ARTICLE 4, SECTION 1.

That an election shall be held on the first Monday in December, 1883, for the election of a city council, to consist of a mayor and a board of aldermen, who shall hold their offices for two years, or until their successors are elected and qualified, except that one of the two aldermen elected from each ward shall hold his office for only one year; the long and short terms to be drawn for by the aldermen elected from each ward immediately after their installation; that the board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters of their respective wards; that thereafter there shall be an election held on the first Monday in December of each year, to fill all vacancies occurring, or to occur in the city council from the expiration of terms of office, or otherwise; and no person shall be a member of the city council, unless he be a citizen of the State of Texas, and shall have resided within the city limits for six months preceding his election, and shall have been a *bona fide* resident of the ward from which he is elected for at least thirty days preceding his election. That if any alderman shall after his election remove from the ward from which he is chosen, his office shall thereby be vacated. The city council shall judge of the election returns and qualifications of its own members and shall determine contested elections of all city officers made elective under this act.

The majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties as they may prescribe. The city council may determine the rules of its proceedings, punish its members for a willful violation of its rules, or other disorderly behavior and with the consent of two-thirds of the members elected, expel an alderman, but not a second time for the same offense. The city council shall keep a journal of its proceedings and whenever practicable, publish the same, or a synopsis thereof in a newspaper of the city; and the yeas and nays of the members on any question shall, at the desire of any alderman present be entered on the journal. Aldermen shall serve without pay and no alderman shall during the term of his office hold any other office under the city; nor shall any alderman during his term of office, be interested directly or indirectly, in any contract or agreement for work to be done, or service to be performed, for which the city is to pay a consideration, or in the purchase of any property by the city for any purpose whatever. All vacancies that shall occur in the board of aldermen shall be filled in such manner as shall be hereafter provided for by ordinance. Each alderman shall before entering upon the duties of his office take the oath prescribed by the Constitution of the State of Texas and that he will faithfully discharge the duties of his office. Whenever there shall be a tie in the election of aldermen, the judges of the election shall certify the same to the mayor, who shall immediately thereon issue his proclamation, stating such facts, and ordering a new election.

SEC. 2. And be it further enacted, That Article five of the above recited Act shall hereafter read as follows:

ARTICLE 5, SECTION 1.

The mayor and the board of aldermen shall constitute the city council of said city. There shall be stated sessions of the city council at least once in each month, and such special meetings as the mayor or any two members of the council may deem necessary. In the absence of the mayor any one of the aldermen may be appointed to preside, in which case, the alderman who presides shall vote only as an alderman. The city council shall have the care, management and control of the city and its property and finances; and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such ordinances to alter, modify, or repeal. Upon the passage of all ordinances appropriating money, imposing taxes, increasing, lessening or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered in the journal, but no ordinance for borrowing money shall pass, except by a vote of two-thirds of the whole council. All ordinances shall be read in the council for three separate days, unless two-thirds of the members elected shall dispense therewith. A majority of the members of the whole council shall be necessary to pass an ordinance appropriating for any purpose the sum of five hundred dollars, or upwards, or for passing an ordinance in any wise diminishing or increasing the city revenues.

SEC. 3. And be it further enacted, That Article six of the above recited Act shall hereafter read as follows:

ARTICLE 6, SECTION 1.

That the mayor and city council shall have power within the city by ordinance:

First. To levy and collect an annual tax, not exceeding one per centum upon all property within the limits of the city, made taxable by law for State and county purposes, the money raised by said tax to be used for the current expenses and for the general improvement of the city.

Second. To raise money on the credit of the city, for a special and definite purpose, by issuing bonds of the city, or otherwise; provided, the bonded debt of the city shall not at any time exceed one hundred and twenty-five thousand dollars, and the interest due on bonds, and interest bearing warrants issued by the city of Austin with the interest accrued thereon, shall be at all times considered a part of the bonded debt of the city. To extend the bonded debt of the city beyond one hundred and twenty-five thousand dollars shall only be done by a special act of the Legislature, or by the consent of two-thirds of the tax paying citizens voting at an election ordered for the purpose, after thirty days notice by the mayor, by the authority of and in the method that may be prescribed by the city council. All bonds shall specify for what purpose they were issued, and when any bonds are issued by the city, a fund shall be provided to pay the interest, and two per cent. per annum on the principal, as a sinking fund to redeem the bonds, or pay them at maturity; and said sinking fund shall not be diverted to or drawn for any other purpose, and the city treasurer shall honor no draft drawn on said sinking fund except to pay the interest, or redeem the bonds for which said fund was provided. The sinking fund for the redemption of any bonds and the payment of the interest thereon shall be invested, as fast as the same accumulates, in interest bearing bonds of the United States, or of the State of Texas, or of the city of Austin, as the city council

may deem most advantageous: and such bonds and the interest thereon shall be sold when necessary to pay or redeem the bonds for which the sinking fund was established.

Third. To appropriate money and to provide for the payment of the debts and expenses of the city.

Fourth. To make regulations to prevent the introduction of contagious diseases into the city.

Fifth. To establish hospitals and make regulations for the government thereof, within or without the city limits.

Sixth. To make regulations to secure the general health of the inhabitants, and prevent and remove nuisances.

Seventh. To construct water works, gas works and street railroads, within or beyond the city limits, or both; to provide the city with water and gas, and to erect hydrants, fire-plugs and pumps in the streets; to erect the necessary machinery, lamp posts, &c. for lighting the city, within or beyond the limits of the city, for the convenience of the inhabitants of the city and environs.

Eighth. To have the exclusive control and power over the streets, alleys, side-walks, lanes, avenues, public grounds and highways of the city, and to abate and remove all encroachments thereon; to open, alter, widen, straighten, extend, establish, abolish, regulate, grade, re-grade, clean, pave, macadamize, or otherwise improve the same; and to regulate the making of side-walks, their grade, material and mode of construction, when such side-walks are made by private parties.

Ninth. To establish, erect and keep in repair bridges, culverts and sewers and regulate the use of the same; to establish, alter and change the channel of water courses and to wall them up and cover them.

Tenth. To provide for the lighting of the streets and erecting lamps thereon.

Eleventh. To establish, support and regulate night watch and patrols.

Twelfth. To erect market houses, establish markets and market places, provide for the government and regulation thereof, and to license, tax and regulate butchers and the vendors of poultry, fish, vegetables and other provisions.

Thirteenth. To provide for the erection of all needful buildings for the use of the city.

Fourteenth. To provide for the inclosing, improving and regulating all public grounds belonging to the city.

Fifteenth. To license, tax and regulate auctions, grocers, merchants, retailers, hotels and boarding houses, and bakeries; and to license, tax and regulate or suppress ordinaries, hawkers, peddlers, brokers, and pawn brokers and money changers.

Sixteenth. To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays and fix the rates to be charged for carriage of persons and for wagonage, cartage and drayage of property.

Seventeenth. To license and regulate porters and fix the rate of portage.

Eighteenth. To license, tax, regulate and suppress theatrical and other exhibitions shows and amusements.

Nineteenth. To license tax and regulate billiard tables, pin alleys and ball alleys, restaurants, drinking houses or saloons and all places or establishments where intoxicating or fermented liquors are sold; real estate agents, insurance brokers, insurance agents and all other trades, professions, occupations and callings the taxing of which is not prohib-

ited by the Constitution of the State, which tax shall not be construed to be a tax on property: to restrain and suppress disorderly houses: to suppress lotteries and all fraudulent devices and practices; to suppress gaming and gambling of all kinds and descriptions, and to prevent the same; to restrain bawdy houses, houses of prostitution or assignation and to punish prostitutes and the keepers of houses of prostitution within the city or within such limits therein as may be defined by ordinance, by fine or imprisonment, or both and to adopt summary measures for the removal or suppression of all such establishments.

Twentieth. To provide for the prevention and extinguishment of fires and organizing and establishing fire companies; also to regulate and restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same; and in preventing goods from being purloined thereat; and with such other powers and duties as may be prescribed by ordinance, to compel the owners of houses and other buildings, to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

Twenty first. To regulate and order the cleaning of chimneys, and fix the fees thereof.

Twenty second. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove and prevent the construction of any fireplace, hearth, chimney, stoves, ovens, boilers, kettles or apparatus used in any house, building, manufactory or business which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and severally to enter into or appoint one or more officers at reasonable times to examine all dwellings, houses, lots, yards, enclosures, buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in a safe and secure condition.

Twenty third. To regulate and prescribe the manner and order, the building of partition and parapet walls and of partition fences.

Twenty fourth. To establish standard weights and measures and to regulate the weights and measures to be used in the city in all cases not otherwise provided by law.

Twenty-fifth. To provide for the inspection and measuring of lumber and other building materials.

Twenty sixth. To provide for the inspection and weight of hay, the measuring of charcoal, fire-wood and all other fuel to be used in the city.

Twenty seventh. To regulate the inspection of lard, butter and other provisions, to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit and to suppress hucksters.

Twenty eighth. To regulate the weight, quality and price of bread to be sold and used in the city.

Twenty ninth. To regulate the size of brick made or sold in the city

Thirtieth. To provide for the taking of an enumeration of the city.

Thirty first. To provide for the removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

Thirty-second. To provide for the appointment or election of all officers, servants and agents of the corporation, not otherwise provided for.

Thirty-third. To fix the compensation of the city officers not herein provided for, and regulate the fees of all jurors, witnesses and others, for services rendered under this act or ordinance.

Thirty-fourth. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance and to provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties; provided, that no fine shall exceed one hundred dollars and imprisonment not exceeding fifteen days for any one offence.

Thirty fifth. To erect a work-house and house of correction and provide for the regulation and government thereof.

Thirty sixth. To regulate and license all ferries and toll bridges within the limits of the city.

Thirty seventh. To remove all obstructions from the streets and sidewalks and at the expense of the owners of the ground fronting thereon, to provide for the construction, paving, repairing and cleaning of all sidewalks and gutters.

Thirty eighth. To prevent the assemblage of idle persons at or near store house doors, whereby the trade of such house or persons passing are interrupted; and also to prevent and restrain any riot, rout, disturbance or disorderly assemblage in any street, house or place in the city.

Thirty ninth. To prevent and remove all encroachments in and upon all streets, lanes, avenues and alleys established by law or ordinance.

Fortieth. To establish cemeteries within or without the limits of the city and to regulate the same.

Forty first. To exercise complete and perfect control over the commons and all the property belonging to the city real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell in part, or whole, transfer and dispose of, either absolutely or within limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by laws and ordinance, for the purpose of maintaining the peace, good government and order of the city of Austin, and the trade, commerce and manufactories thereof, as the city council may deem expedient, not repugnant to the laws and constitution of this State; and also to enforce the observance thereof by inflicting penalties upon any inhabitant thereof, or any person or persons, for the violation of any ordinance, not exceeding \$100 and imprisonment not exceeding fifteen days for any one offence, recoverable with costs, by suit by and in the name of the city of Austin, for the use of the city, before any court having cognizance of the same.

SEC. 4. And be it further enacted that article 7 of the above recited act shall hereafter read as follows:

#### ARTICLE 7, SECTION 1.

That the city council shall have power, subject to the restriction in the preceding section, to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section and all other powers vested by this act in the corporation, the city government, or any department, or office thereof. No money shall be

expended, nor shall any improvement be ordered involving an expenditure of money except by ordinance, the provisions of which shall be specified and definite.

Every ordinance which shall have been passed by the city council, shall before it becomes a law, be presented to the mayor for his approval; if he approve, he shall sign it; if not, he shall return it, with his objections to the board of aldermen, which objections shall be entered at large on the journal and the ordinance shall be reconsidered. If after such reconsideration, two-thirds of the members of the board shall agree to pass the same, it shall be in force as an ordinance. In all such cases the votes of the city council shall be taken, yeas and nays, and entered on the journal. If any ordinance shall not be returned by the mayor with his objections in writing at the next meeting of the council, the same shall be in force as an ordinance in the same manner as if he had approved and signed it. Every resolution of a general character, or relating to any matter in which the public are interested, shall be presented to the mayor and before the same shall take effect, shall be proceeded upon in the same manner as in case of an ordinance. The style of the ordinance of the city shall be: "Be it ordained by the city council of of the city of Austin."

Every ordinance imposing any penalty, fine, imprisonment or forfeiture, for violation of its provisions shall, after the passage thereof, be published in every issue of a daily paper for ten days.

Ordinances passed by the city council and requiring publication shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided.

Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided. All ordinances of the city when printed and published by authority of the city council, shall be admitted and received in evidence in all courts and places without further proof. All ordinances, regulations and resolutions now in force in the city of Austin and not in conflict with this act shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect.

SEC. 5. Be it further enacted That article 8, of the above recited act shall hereafter read as follows:

#### ARTICLE 8, SECTION 1.

That the mayor shall be the chief executive officer of the city, who shall be elected as hereinbefore authorized, by the qualified voters of the city and who shall hold his office for the term of two years and until his successor is elected and qualified. The salary of the mayor shall be six hundred dollars per annum with no fees of office, this salary being intended not as a compensation for services in the performance of his duties as mayor, but only as a reimbursement for expenses incident to and growing out of his position. No person shall be mayor who at the time of his election is not possessed of the qualification required for an alderman or who holds any lucrative office under authority of the United States or any State; he shall before entering upon his duties, take the oath prescribed by the Constitution of this State, and to faithfully and impartially perform his duties. When two or more persons shall have an equal number of votes for the office of mayor, a new election shall be ordered, except in case such election is contested, and whenever an election for mayor shall be contested, the city council shall determine the same by vote. Whenever any vacancy shall happen in the office of

mayor, it shall be filled by election in such manner as shall be provided for by ordinance, in which case the mayor so elected shall hold the office for the unexpired term only. The mayor may be removed from office for any misdemeanor in office by a majority of two-thirds of a full board of aldermen, after trial and conviction in accordance with the laws of the State. The mayor shall have power to nominate, and by and with the consent of the board of aldermen, to appoint all city officers not ordered by this act to be otherwise elected; provided, any alderman may also make nominations for any of the city officers herein referred to. The mayor shall sign the commissions or appointments of all persons elected by the city council, and shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty. He may suspend and by and with the consent of council, remove from office any person holding an office made elective by the city council under this act, or hereafter created by ordinance. He shall have power when he deems it necessary, to require any officer of the city to exhibit his account or other papers, and it shall be his duty to make report to the council in writing, regarding any errors or deficiencies he may discover in said accounts or papers. The mayor shall preside at all the meetings of the city council, except as herein otherwise provided and shall have a casting vote when the council is equally divided and not otherwise. He shall from time to time communicate to the city council such information and recommend such measures as in his opinion may tend to the improvement of the finances, health, security, ornament and general prosperity of the city. The mayor or any two councilmen shall have power to call special meetings of the city council, the object of which shall be submitted to the council in writing and the call and object thereof shall be entered on the journal by the clerk. The mayor shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city and he is hereby authorized to call on every male inhabitant of the city over eighteen years of age and under the age of fifty years, to aid in enforcing the laws and ordinances of the city, and any person who shall not obey such call shall forfeit to the city a fine not exceeding five hundred dollars. The mayor, by and with the consent of the council shall have power to remit fines and forfeitures and to grant reprieves and pardons for all offenses arising under the ordinances of the city. He shall have power to solemnize marriages and to administer oaths of office. In case of the temporary absence or illness of the recorder or in case of vacancy in the office of recorder, the mayor shall have like power with the recorder to try all cases of violation of the city ordinances and it shall be his duty to do so, unless such vacancy temporary or otherwise shall have been filled as provided in this act.

SEC. 6. And be it further enacted, That article nine of the above recited shall hereafter read as follows :

ARTICLE 9, SECTION 1.

At the first meeting of the city council elected under this act and every two years thereafter the city council shall upon nomination by the mayor, or any alderman, proceed to elect an assessor and collector, a recorder, a city marshal, a treasurer, a city physician, a city clerk, a city attorney and a city engineer, who in addition to the duties prescribed by this act shall perform such other duties as have been, or may be prescribed by ordinance. They shall hold their offices for two years and until their successors are duly qualified and may at any time be removed



from office by a majority of two-thirds of a full board of aldermen. Such other officers, servants and agents of the corporations as the city council may deem necessary for the proper administration of the city government and for the interest of the city may be provided for by ordinance and elected in the same manner as the officers mentioned in this section and for such terms of office as the city council may determine. After every election of city officers by the council, the council shall immediately proceed to fix the salaries of such officers and the salaries so fixed shall not be lessened during the term of office for which said officers were elected; provided, the salary of the assessor and collector shall not exceed fifteen hundred dollars per annum, inclusive of all commissions that may be allowed by the city council, the salary of the city marshal shall not exceed twelve hundred dollars per annum, the salary of treasurer shall not exceed six hundred dollars per annum, the salary of city physician shall not exceed six hundred dollars per annum, the salary of city clerk shall not exceed twelve hundred dollars per annum, the salary of city engineer shall not exceed twelve hundred dollars per annum, exclusive of such fees as he may be allowed by the city council to charge private parties for services rendered them, the salary of recorder shall not exceed twelve hundred dollars per annum with no fees, and the salary of city attorney shall not exceed fifteen hundred dollars per annum and such fees as may be allowed by ordinance for attending to cases of appeal before the county and Supreme Courts. The city attorney shall by himself or deputy appear and prosecute all cases in the recorder's court arising under the provisions of this act and the ordinances of the city. It shall be the duty of the city attorney to prepare and draw up all complaints for misdemeanors and to cause all necessary witnesses to be summoned on the part of the prosecution and he shall have full power and authority to administer oaths to persons making complaints before the recorder's court. The usual attorneys fees, or such as may be prescribed by the city council, shall be charged and collected as other fees and when collected shall be paid to the assessor and collector as a part of the revenue of the city. The city attorney shall attend the meetings of the city council to give his advice, and he shall give his opinion upon all legal questions arising under the city government and perform such other duties in connection with his office as may be required by the city council. He shall be a licensed lawyer and competent to discharge the duties required of him by the provisions of this act and the ordinances of the city.

SEC. 7. And be it further enacted, That Article ten of the above recited act shall hereafter read as follows:

ARTICLE 10, SECTION 1.

The recorder shall be the chief judicial magistrate of the city and as such shall hold a court within said city by the name of the Recorder's Court of the city of Austin which said court shall have jurisdiction and cognizance in all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city, subject however to an appeal to the county court in the same manner as appeals are taken and granted from justices' courts to the county court under the general laws of the State; and in all cases of appeal from the recorder's court to the county court either party shall have the right to appeal from the judgment of the county court to the Supreme Court under the general laws of the State. The recorder may require of any person arrested under the provisions of this

act, or of the ordinances of the city, a bond for his or her good behavior and to keep the peace, with two good and sufficient sureties, which bond thorty to issue subpoenas for witnesses and to compel their attendance by shall be payable to the city of Austin. He shall have full power and au-process of attachment. He may issue warrants of arrests, search war-rants executions and any other process known to the law which a jus-tice of the peace of this State may lawfully issue, and he may punish all contempts by fines and imprisonment, or either. He shall also have full power and authority to administer official oaths and all other oaths or affirmations, and give certificates thereof. The recorder shall be ex-offi-cio justice of the peace and shall possess and execute within the city limits in criminal cases all the powers and duties of such offices, but in no case shall he entertain jurisdiction in civil suits. He shall charge in all cases the same fees which are allowed to justices of the peace for the same kind of services, which shall be charged and collected as other fees and when collected shall be paid into the city treasury for the use and benefit of the city. The recorder shall be a conservator of the peace, and his court shall be open every day except Sunday, to hear and de-termine any and all cases cognizable before him, and he shall have power to bring parties before him forthwith for trial. Persons arraigned for violation of city ordinances demanding a trial by jury, shall deposit with the city clerk the sum of three dollars, security for the payment of the costs of such jury, unless they shall make oath that they are unable to pay or secure the same, any person convicted of an offense under the provisions of this act, or the ordinances of the city shall be punished by fine and imprisonment, or either and hard labor as may be regu-lated by ordinance.

The recorder shall perform such other duties as may be prescribed by any ordinance of the city and shall receive a salary not to exceed the sum of twelve hundred dollars per annum. The recorder shall be a licensed lawyer, and competent to discharge the duties required of him by the charter and the ordinance of the city. The fines imposed in the recorder's court for the violation of the city ordinances, shall not be less than five dollars, nor more than one hundred dollars for each any every offense. In case of the illness or temporary absence of the recorder, the mayor may appoint an acting recorder, who shall take the required oath and receive the same compensation as the recorder during the time of such temporary appointment.

SEC. 8. And be it further enacted that article sixteen of the above recited act shall hereafter read as follows:

#### ARTICLE 16, SECTION 1.

That the revenues received during each fiscal year shall be applied to the payment of the current expenses of the city government, and the ap-propriation made during that year; and no debt shall be incurred during any fiscal year except as otherwise provided in Section 3 of this act, or under authority conferred by the Legislature. The city council is hereby prohibited from incurring any expense or making appropriations beyond the receipts of the treasury, so that at the close of any fiscal year, any ob-ligation created during that year shall remain unpaid, except in case of bonds issued as hereinbefore provided, and it is hereby made a misde-meanor for the mayor to draw a warrant upon the city treasury, except on written information from the treasurer, that there is sufficient money in the treasury not otherwise set apart for the immediate payment of said warrant. Such misdemeanor on the part of the mayor shall be punished

by a trial for impeachment by the board of aldermen, and on conviction by a two thirds vote of a full board, by dismissal from office. It is hereby also made a misdemeanor for any alderman to knowingly vote for any appropriation whereby debt shall be created in violation of the provisions of the act. It shall be the duty of the city attorney to report to the grand jury of the county court of Travis county any alderman for such violation of law, the penalty for which after trial and conviction shall be dismissal from office. It shall be the duty of the city treasurer to report to the city council at their first regular meeting in each month the balance of money in the treasury unappropriated. All officers of the city shall take the oath prescribed in this act for the mayor and aldermen, and the present city council shall exercise all of the powers and functions vested in the council under this act.

SEC. 9. And be it further enacted that the amendments to the charter of the city of Austin adopted and ratified by the voters of said city, at an election held on the first Monday in November 1875 and not in conflict with this act shall remain in full force and effect.

This act is declared to be a public act and may be read in evidence in all courts of law and equity in this State without proof.

All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

The near approach of the end of the session creates an imperative necessity that the rule requiring bills to be read on three several days be suspended; therefore said rule is hereby suspended and this act shall take effect and be in force from and after its passage.

Approved April 17, 1883.

Takes effect from passage.

THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, JOSEPH W. BAINES, Secretary of State, of the State of Texas, do hereby certify that the Laws contained in this volume are true and correct copies of the enrolled bills now on file in this department. I further certify that the regular session of the Eighteenth Legislature convened at the city of Austin, on the ninth day of January, A. D. 1883, and adjourned on the thirteenth day of April, A. D. 1883.

[L. S.]

IN TESTIMONY WHEREOF, I hereto sign my name, and affix the seal of the State of Texas, at Austin, on this, twelfth day of May, A. D. 1883.

JOS. W. BAINES,  
*Secretary of State.*

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